

COMMITTEE REPORT

Date: 20 May 2024 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel
Reference: 22/01719/LBC
Application at: 31 George Hudson Street York YO1 6JL
For: Internal to 27, 29 and 31 George Hudson Street
By: Mr Brown
Application Type: Listed Building Consent
Target Date: 24 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a row of 19th century Grade II Listed three storey brick-built shops with flats above comprising Nos 27, 29 and 31 George Hudson Street.

1.2 The application forms part of a larger scheme for extensions and a change of use at Club Salvation located on the junction of George Hudson Street and Tanner Row. To the rear of the application site is the Tanner Row multi-storey car park.

1.3 The proposals involve internal changes at ground floor level to no.31 to remove partitions and a counter; at upper floor levels across all three buildings the alterations comprise mainly alterations to and additional partitions and upgrading of bathrooms and kitchens.

1.4 Listed Building Consent was granted in 09.09.2019 (ref:19/00837/LBC) together with a parallel application for Planning Permission (ref: 19/00836/FULM). The application under consideration is an identical scheme to the previous application.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). Its planning policies are a material consideration in the determination of planning applications. The policy in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date,

permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Draft Local Plan 2018

2.2 The Draft Local Plan 2018 was submitted for examination in 2018, Hearing Sessions have taken place and the examination is on-going. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant policies of the Plan are:

D5 Listed Buildings

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development (Conservation)

3.1. Officers request the same conditions as previously advised.

REPRESENTATIONS

4.1 No comments received.

5.0 APPRAISAL

5.1 The Key Issue is the impact on special architectural or historic interest of the listed building.

5.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Paragraph 195 of NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage

asset) and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 Paragraph 205 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.5 Nos 27, 29 and 31 George Hudson Street are three houses with shops dating from circa 1860 listed at Grade II for their Group Value. Draft policy D5 states that changes of use of listed buildings will be supported where it has been demonstrated that the proposed new use would not harm its significance. Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.6 The special interest of the buildings derives from their simple form and group value as integral shop units with living accommodation for the shop owner above with the survival on upper floors of original features including partitions on the upper floors with the result that the historic plan form largely remains. The significance of the buildings is as houses with shops c.1860.

5.7 There are no substantive alterations to the basement floor of the listed buildings. On the ground floor of 31, a modern opening in the rear wall would be in-filled and rear portion of this floor would be partitioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building, and closing off the modern opening in effect reinstates the original form. On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31, partitions would be inserted to form a lobby for fire separation and to provide bathrooms.

5.8 The alterations would not result in any harm to the significance of the assets, providing the routing of services and ventilation can be handled sensitively (precluding venting through the front elevation or roof slope). The proposed alterations result in no harm to the significance of the listed buildings, preserving their character and their setting.

6.0 CONCLUSION

6.1 The application site comprises three no. Grade II listed buildings. Subject to planning conditions the proposed alterations would result in no harm to the significance of the listed buildings, preserving their character and their setting. Due regard has been taken of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal complies with the NPPF and policy D5 of the Draft Local Plan.

7.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Existing and Proposed Ground Floor Plans - Drawing No.210 Rev P00

Existing and Proposed First Floor Plans - Drawing No.211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No.212 Rev P00

Existing and Proposed Third Floor Plans - Drawing No.213 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Sections - Drawing No. 140 Rev P01

Proposed Section - Drawing No. 141 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00

Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00

Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00

Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00

Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00

Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of construction works full details of all drainage and other service runs including locations and trunking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the listed building.

4 Prior to the commencement of construction works full details of the location, scale, materials and design for all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the listed building.

Contact details:

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