

## COMMITTEE REPORT

**Date:** 20 January 2011                      **Ward:** Guildhall  
**Team:** Major and Commercial      **Parish:** Guildhall Planning Panel  
Team

**Reference:** 10/02543/CAC  
**Application at:** Infinity Ltd 88 - 96 Walmgate York YO1 9TL  
**For:** Demolition of building in the conservation area in connection with proposed redevelopment of site  
**By:** Mr Chris Hale  
**Application Type:** Conservation Area Consent  
**Target Date:** 24 January 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application is for conservation area consent to demolish the Infinity Motorcycles retail premises located on the corner of Walmgate and Hurst's Yard and extending to Percy's Lane at the rear. The host building is 2-storey with a flat roof where it fronts onto Walmgate and single storey with a pitched roof behind. The grade 2 listed Spread Eagle public house is to the immediate east. The site is in the Central Historic Core conservation area.

1.2 It is proposed to replace the building with a hotel which would be 3-storey to eaves level, with an additional floor of accommodation in the roof. The building would be of brick with a pantile roof. The planning application for the scheme is 10/02542/FULM.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area
- Conservation Area GMS Constraints: Central Historic Core
- Listed Buildings GMS Constraints: Grade 2; Spread Eagle 98 Walmgate

2.2 Policies:

- CYHE3 Conservation Areas
- CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

### 3.0 CONSULTATIONS

#### Design, Conservation and Sustainable Development

3.1 Subject to a redevelopment scheme of greater merit being approved officers support the proposal. The existing building on the site consists of a late C20th glass fronted and flat roofed showroom with a large single volume pitched roof workshop behind. The building line is uncharacteristically setback from Hurst's Yard. Although the building is quite low onto Walmgate, situated opposite the modest two storey timber framed buildings at nos. 75-77 Walmgate, its character does not contribute to

local distinctiveness and overall the building is harmful to the character and appearance of the conservation area.

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3.2 Support the application.

### Publicity

3.3 Two letters received to date. Comments:

- A full archaeological report should be required.
- Support for the scheme which would improve the appearance of the area.

## **4.0 APPRAISAL**

### Key issues

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 advises that the material consideration is the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

### Policy

4.2 National policy PPS5 advises that proposed development requires justification that the benefits would outweigh any identified harm. In decision making LPA's should identify and assess the particular significance of any element of the historic environment affected. Factors to consider are whether to sustain and enhance heritage assets and the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment, considering scale, height, massing, alignment, materials and use.

4.3 Of the Draft Local Plan (LP) policy HE5 relates to demolition in conservation areas. The background text advises that demolition of buildings which do not positively contribute to the character or appearance of the area will be acceptable, provided the replacement development proposed benefits the area. It is noted that to avoid sites being left vacant, demolition should not occur until re-development is to commence.

### Assessment

4.4 The existing building is 2-storey with a flat roof fronting Walmgate and single storey at the rear. The building appears out of place in the street, being out of keeping with the typical building form of narrower buildings with pitched roofs, directly against the street, given a strong vertical emphasis by virtue of their window shape and arrangement. Consequently demolition of the building(s) is supported, provided the means of restoration is acceptable.

4.5 The proposed replacement building (detailed in companion application 10/02542/FULM) would respect its historic context by virtue of its footprint, massing, shape, detailing and materials, and enhance the street scene along Hurst's Yard and

Percy's Lane through immediately fronting onto the street with an active frontage. In addition to its visual impact, the scheme would achieve one of the further heritage benefits identified by English Heritage (see companion guide to PPS5) in that the hotel proposed would, due to the activity it would generate, make a positive contribution to the economic vitality of the area. Overall there would be an enhancement to the character and appearance of the conservation area.

## **5.0 CONCLUSION**

5.1 The existing building(s) do not make a positive contribution to the character and appearance of the area, whilst the proposed replacement would re-enforce the distinctive character of Walmgate and its arterial lanes and yards. It is therefore recommended consent be granted on the condition that demolition may not occur until a restoration scheme has been approved and the timeframe for implementation agreed to.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

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

2 Prior to the demolition hereby granted consent, a suitable scheme for either landscaping of the site, or redevelopment of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within a timescale which shall also be agreed to in writing by the Local Planning Authority prior to demolition.

Reason: In the interests of the character and appearance of the conservation area.

## **7.0 INFORMATIVES:**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area. As such the proposal complies with PPS5: Planning for the historic Environment and Policy HE5 of the City of York Development Control Local Plan.

### **Contact details:**

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