

COMMITTEE REPORT

Date: 3 September 2015 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/01458/FUL
Application at: 17 Piccadilly York YO1 1PB
For: Demolition of existing building
By: City Of York Council
Application Type: Full Application
Target Date: 7 September 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 Reynard's Garage, 17-21 Piccadilly comprises a substantial early 20th Century masonry and steel portal framed structure lying within the Historic Core Conservation Area to the south west of the River Foss and the City Centre. It is of some townscape importance as part of a group of early 20th Century industrial buildings and of some historical importance through its association with early aircraft manufacture by Airspeed Ltd and the author Nevil Shute. It was initially constructed as a Trolley Bus Depot but following on from the withdrawal of the network in the early 1930s was converted to industrial use. The building is referred to in the Central Historic Core Conservation Area Appraisal although an attempt to have it Listed as being of Historic or Architectural Interest through Historic England has previously proved unsuccessful due to the lack of survival of its historic detailing and its very poor structural condition. It is in very poor structural repair and has been vacant for approximately 20 years. Planning permission is sought for its demolition.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Flood zone 2 GMS Constraints: Flood zone 2
Flood zone 3 GMS Constraints: Flood zone 3
Listed Buildings GMS Constraints: Grade 2; Red Lion Hotel Merchantgate York

2.2 Policies:

CYHE3 Development in Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

Highway Network Management

3.1 No objection.

Public Protection

3.2 No objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a Construction Environmental Management Plan (CEMP).

Planning and Environmental Management

Conservation Architect

3.3 Expresses concern in respect of the loss of a significant building and the lack of evidence of marketing of the building for development.

Ecologist

3.4 No objection.

EXTERNAL

Guildhall Planning Panel

3.5 Object to the proposal on the grounds that no firm re-development proposal for the site has been brought forward.

Historic England

3.6 No objection in principle to the demolition of the building however they draw attention to the requirements of the National Planning Policy Framework (NPPF) at paragraphs 131 to 138 of the National Planning Policy Framework relating to the historic environment. It states the demolition of the building would result in an almost total loss of significance from this site and a modest loss of significance to this part of the conservation area. Concern has however been expressed in respect of the lack of a clear indication of new development to replace the demolished building as required by paragraph 136 of the National Planning Policy Framework.

York Civic Trust

3.7 Objects to the proposal on the grounds that no re-development scheme has been brought forward to justify the loss of historical and cultural value embodied in the building.

Neighbour Notification and Publicity

3.8 One letter of objection has been received to the proposal expressing concern in respect of the loss of a building of historical and cultural significance.

3.9 Two letters of support have been received expressing concern in respect of the deteriorating condition of the building and the need to secure a sympathetic and viable re-development of the site.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- The proposal and the site
- Legislative and policy context for heritage assets.
- Impact upon the significance of the asset and on the character and appearance of the Central Historic Core Conservation Area.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

THE PROPOSAL AND THE SITE

4.3 The application site comprises a large masonry and steel framed Art Deco building of early 20th Century date occupying a long narrow frontage to the east of Piccadilly and to the south of the City Centre. It was constructed initially as the Trolley Bus Depot for the City and following on from the withdrawal of the network in the early 1930s it was used as an aircraft factory. The recent Conservation Area Character Appraisal states whilst it is of historic interest, it is not of outstanding architectural merit. An attempt was made in 2013 to have the building Listed as of special architectural or historic interest and notwithstanding that it represented a rare survival of a depot associated with a form of transport not readily adopted in the United Kingdom, this proved unsuccessful due to the lack of survival of its detailing, the lack of any identifiable evidence of its aviation use by Airspeed Ltd and its very poor structural repair. Various proposals have previously been advanced for the site including a draft allocation for housing in the 2005 Development Control Local Plan, although no firm proposals have ever been brought forward. The building was last actively used in the 1990s as a Laser Quest visitor attraction before that relocated to Clifton Moor.

LEGISLATIVE AND POLICY CONTEXT FOR HERITAGE ASSETS

4.4 The building is located within a heritage asset, being the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority to have special regard to securing the preservation and enhancement of Conservation Areas. Notwithstanding the removal of the previous legislative requirement to secure formal Conservation Area Consent for demolition of Unlisted Buildings in Conservation Areas, it remains a requirement for planning permission to be granted and for the suitability of the proposals to be assessed against the legislative requirements of section 72 of the 1990 Act and government policy contained in Section 12 of the National Planning Policy Framework, notably Paragraphs 131-138.

4.5 Where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that this statutory requirement is in addition to the policy tests contained in the NPPF. It has also emphasised that the desirability of preserving or enhancing the character or appearance of the area should be afforded considerable importance and weight and that the over-arching “special regard” required by section 72 imposes a statutory presumption against the grant of planning permission.

4.6 In terms of national planning policy, the National Planning Policy Framework (NPPF) classes Conservation Areas as “designated heritage assets”. The NPPF advises on heritage assets as follows:

Paragraph 132 advises 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” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

Paragraph 134 advises “..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 securing its optimum viable use”.

Paragraph 135 advises that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Paragraph 136 advises that Local Planning Authorities should not permit the loss of a heritage asset without taking reasonable steps to ensure that development would proceed after the loss has occurred.

Paragraph 138 advises that loss of a building “which makes a positive contribution to the significance of the Conservation Area ... should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area ... as a whole”.

4.7 The York Development Control Local Plan was approved for Development Control purposes in April 2005. Its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where they are in accordance with the National Planning Policy Framework.

4.8 Policy HE3 of the York Development Control Local Plan is considered compliant with the NPPF. It sets out a clear policy presumption that permission for demolition of an unlisted building in a Conservation Area will only be forthcoming where there would be no adverse impact upon the character and appearance of the Area.

IMPACT UPON THE SIGNIFICANCE OF THE NON DESIGNATED ASSET AND ON THE CHARACTER AND APPEARANCE OF THE HISTORIC CORE CONSERVATION AREA:-

4.9. The building forms part of a group of early 20th Century industrial buildings of some merit at the southern end of Piccadilly which were once highly characteristic of the wider City Centre. It has a long narrow frontage and a clear profile in longer distance views from the City Centre to the north. The Red Lion Public House around the corner on Merchantgate is the nearest listed building (grade II)

4.10 The building provides a clear definition to the eastern edge of Piccadilly. It provides a degree of evidence of an important period of development of York as a modern city and a connection with Neville Shute an important literary figure of the early 20th Century.

However as Historic England (HE) noted in deciding not to list the building recently, the architectural detailing of the building has been marred by the application of roughcast render, and the physical loss of some of the detail through decay; and there is a lack of physical evidence of the use of the building as the start-up premises of Airspeed, and its association with individuals including Cobham, Tiltman and Shute has left no significant identifiable evidence within the building.

4.11 Historic England concludes the loss of the building would therefore give rise to a modest loss of the significance to the conservation area and therefore cause some harm to the character and appearance of the Conservation Area as a whole. Bearing in mind paragraph 135 of the NPPF, whilst the proposed loss of the non designated Heritage Asset is total, the harm to the heritage asset itself, i.e. the Conservation Area, would be modest.

4.12 In accordance with paragraph 138 of the NPPF, taking into account the relative significance of the building itself, which is limited by loss of detailing and the lack of physical evidence of previous uses, and its limited contribution to the significance of the Conservation Area as a whole, (the loss to the significant would be modest as described by HE it is considered the harm to the Conservation Area would be less than substantial. Therefore paragraph 134 of the NPPF applies in this case.

4.13 In considering the impact upon other heritage assets, the affect on the setting of the Red Lion PH has been assessed. This timber framed building with 15th century origins has been much altered and extended. It sits at an oblique angle to the northern gable of the application site, and is approximately 15m from it at the nearest point. It is considered that the effect on the setting of the listed building would be neutral to slightly positive in removing the large gable end of the former garage from views of the timber framed public house from the Piccadilly/ Merchantgate junction.

4.14 Detailed structural surveys from 2009 and 2015 have been submitted to support the proposal for demolition. These indicate the presence of significant and intractable structural difficulties in respect of the building. In particular it is indicated that the steel frame has become severely corroded where it reaches ground level and the internal timber supports have substantially decayed, the brickwork in the gables is in extremely poor condition and liable to fall out, at the same time an internal mezzanine floor has partially collapsed. This has substantially compromised the structural stability of the wider building with significant evidence already of movement within the roof with the potential for a major collapse event with severe weather in late Autumn or Winter. With that risk in mind and due to incidences of render falling from the structure, the surroundings of the building have been secured to deter access by the general public to its exterior.

4.15 An assessment has also been submitted by the Authority's Building Control Manager of the potential to re-construct the building to support the proposal.

This indicates that the structural frame would need to be largely replaced and as the masonry walls are largely supported by the frame they would also need substantial reconstruction. At the same time it is unclear to what extent the issues of structural instability within the building are the consequence of problems with the foundations and an assessment would have to be undertaken of the foundations with a potential requirement for underpinning to be carried out. Insulation and fire proofing which would be essential for a viable use to take the building are at the same time negligible and a new system of foul and surface water sewerage would need to be installed. In view of the degree of decay within the steel frame and the consequent evidence of movement within the roof a means of lateral restraint for the external walls needs to be urgently applied in the event of the proposal not being implemented.

4.16 From the above it is clear that the fabric of the building is beyond repair for reuse, and the building is in the short term highly likely to collapse without major intrusive supporting works. Bearing in mind Paragraph 136 of the NPPF as described above, it must be considered whether reasonable steps to ensure new development will proceed.

4.17 The site was initially to be re-developed as part of the wider Castle/ Piccadilly scheme and following on from its dissolution in the envisaged form in September 2013, the site was marketed separately. A number of bids were forthcoming to develop hotels although none envisaged re-use of the existing building. The process was paused to allow for the application for the building to be listed to be considered in early 2014. However the joint developer of the area has subsequently gone into administration and a further programme to redevelop the wider area through the Southern Gateway Project is being developed with an aspiration for a high quality scheme of private rented apartments.

4.18 The Southern Gateway Project seeks to regenerate the area directly to the south of the City Centre whilst improving connectivity between the City Centre and the Fishergate area to the south west. Therefore whilst no firm proposals have yet come forward for permanent redevelopment as part of the scheme, the building remains in the Council's ownership and is taking reasonable steps to ensure new development will proceed after the loss of the building has occurred. The building is in severe disrepair with a credible potential for complete collapse shortly. It is proposed that the application site be secured by a painted or otherwise decorated hoarding prior to proposal being implemented. In view of the size and dimensions of the site, it is recommended that a development scheme to secure the site and to include a detailed landscape scheme should be submitted for the site to be implemented and maintained in advance of a permanent solution to the development of the site being implemented incorporating a degree of historic interpretation relating to the former role of the site. This would be secured by condition as part of any permission for the proposal.

Subject to such a development scheme being in place and taking account of the extreme disrepair of the building it is felt on balance that the requirements of paragraph 136 have reasonably been addressed.

4.19 In considering paragraph 134 of the NPPF as described above, officers are of the view that this harm caused by demolition of the building is outweighed by the public benefits in terms of avoiding the need for supporting framework around the building (which in itself would be harmful to the appearance of the conservation area), the disruption of pedestrian and traffic movements along Piccadilly, the removal of a visually detrimental feature due to its decaying, dilapidated appearance and the opportunity to provide a tidied, landscaped space pending permanent redevelopment.

5.0 CONCLUSION

5.1 In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is an overarching duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5.2 Two detailed structural surveys of the building have been submitted and an assessment of the feasibility of repair has been undertaken. The severe corrosion in the internal steel sub frame and consequent lack of structural restraint for the external walls present a strong risk of structural failure in the short term in the event of severe weather, with consequent risks to adjacent buildings and passing pedestrians. Furthermore in order to 'repair' the building it would have to be effectively dismantled and rebuilt which would prove uneconomic in the absence of a permanent re-development scheme for the site. In view of the severe structural difficulties with the building and the likelihood of collapse in the near future without significant supporting works (which would render the building unusable and affect pedestrian and vehicular flows along Piccadilly), the less than substantial harm to the character of the Conservation Area caused by its loss would in this case on balance be outweighed by the public benefits set out at 4.17, even when significant weight is attached to this harm

5.3 With regard to Paragraph 136 of the NPPF (see 4.14 - 4.16), the current application site is being considered as part of a wider regeneration scheme linking the southern section of the City Centre with the Fishergate Area known as the Southern Gateway. Whilst no permanent redevelopment proposals have so far been put forward, and the building cannot be retained without major visually intrusive supporting works, it is recommended that any permission be conditioned to require short term development comprising the landscaping of the site including an element of interpretation of its role in the development of the modern City.

5.4 In summary, considerable weight and special regard has been given to the impact of the development on the significance of designated and non-designated heritage assets, the harm that would be caused to these heritage assets and the desirability of preserving the character of the Conservation Area. The proposal leads to less than substantial harm to the heritage asset. Officers are of the view that this harm caused by demolition of the building is outweighed by the public benefits set out 4.17. In reaching this conclusion regard has been had to the duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:- RBS150034/01; RBS150034/02.

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

3 No demolition work shall take place on site until the applicant has secured the implementation of a programme of recording of the building to be demolished. The programme including details of deposit and publication of the results shall previously have been approved in writing by the Local Planning Authority

Reason: The building has been identified as of significance terms of the character of the Central Historic Core Conservation Area.

4 No demolition shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme for the site which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. Such details shall also include interpretation materials relating to the previous historic use of the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 Prior to the commencement of demolition works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid blocking the highway
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

6 Except in case of emergency, no operations which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

7 During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

8 LC4 Land contamination - unexpected contam

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Details of the Southern Gateway Regeneration Project

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. UTILITIES:-

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

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