Meeting: **Skipton and Ripon Area Constituency Planning Committee**

Members: **Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.**

Date: **Tuesday, 6th February, 2024**

Time: **1.00 pm**

Venue: **Ripon Town Hall**

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer by midday on Thursday 1 February 2024.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being recorded and will be available to view via the following link https://northyorks.gov.uk/your-council/councillors-committees-and-meeting/live-meetings . Please contact the named democratic services officer supporting this committee if you would like to find out more.

Agenda

1. Apologies for Absence

2. Minutes for the Meeting held on 17th January 2024 (Pages 3 - 4)

3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **ZC23/01972/FUL - Change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). Reconsultation. Amended Plans at Dragon Inn Chinese Restaurant, 41 Market Place, Ripon , North Yorkshire HG4 1BZ on behalf of Mr Wang.** **(Pages 5 - 26)**
Report of the Assistant Director – Planning.

5. **ZC23/01973/LB - Listed building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). Reconsultation. Amended Plans at Dragon Inn Chinese Restaurant, 41 Market Place, Ripon, North Yorkshire HG4 1BZ on behalf of Mr Wang.** **(Pages 27 - 42)**
Report of the Assistant Director – Planning.

6. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

7. **Date of Next Meeting**
Tuesday,05 March 2024 at 1pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

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Monday, 29 January 2024

North Yorkshire Council

Skipton & Ripon Area Constituency Planning Committee

Minutes of the meeting held on Wednesday, Wednesday 17th January 2024 commencing at 1.03pm at Ripon Town Hall, Ripon.

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, Nick Brown (substitute for Councillor David Ireton), Barbara Brodigan, David Noland and Andrew Williams.

Officers present: Kelly Dawson, Senior Solicitor; Stuart Mills, Planning Manager; Amy Benfold, Development Management Officer; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services and Scrutiny Officer.

Apologies: Councillors Robert Heseltine and David Ireton (Councillor Nick Brown substituted).

Copies of all documents considered are in the Minute Book

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56 Apologies for Absence

Apologies for absence were received from Councillors Robert Heseltine and David Ireton. Councillor Nick Brown substituted for Councillor Ireton.

57 Minutes for the Meeting held on 5th December 2023

The minutes of the meeting held on Tuesday 5th December 2023 were confirmed and signed as an accurate record.

58 Declarations of Interests

There were none declared.

59 Application ZA23/02361/FUL – Change of Use of Agricultural Field to Dog Walking Field, with Associated Gravel Car Parking Area at Field at Railer Bank, Mickley, North Yorkshire on behalf of Ms L Furlong.

The Chairman addressed Members of the Committee and the public present, advising them that a late representation had been received.

The Committee adjourned until 1.15pm to enable officers to discuss the late representation with legal.

On convening, the Committee's legal advisor advised the Committee that in light of the late representation officers recommended that the application should be deferred to enable officers to fully consider the representations and properly advise the Committee.

Members debated whether the application should be heard or deferred to a later date.

The decision:

That planning permission be DEFERRED to enable officers to consider the further representation.

Voting Record

A vote was taken, and the motion was carried:

For Approval 4; Abstentions 2.

60 Any Other Items

None.

61 Date of Next Meeting

6th February 2024, venue to be agreed.

The meeting concluded at 1.32pm

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

6 FEBRUARY 2024

ZC23/01972/FUL - CHANGE OF USE TO FIRST, SECOND AND THIRD FLOORS TO A HMO PROVIDING STAFF ACCOMMODATION IN ASSOCIATION WITH EXISTING GROUND AND BASEMENT FLOOR RESTAURANT USE, WITH A COMMUNAL KITCHEN AND SANITARY FACILITIES (USE CLASS C4). RECONSULTATION. AMENDED PLANS. AT DRAGON INN CHINESE RESTAURANT, 41 MARKET PLACE, RIPON, NORTH YORKSHIRE HG4 1BZ ON BEHALF OF MR WANG

Report of the Assistant Director – Planning

1.0 Purpose of the Report

1.1 To determine a planning application for Change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (Use Class C4).

1.2 This application accompanies a Listed Building application for the works associated with change of use of the building under application, ZC23/01973/LB, which is presented to the planning committee under a separate committee item.

1.3 This application is referred to the Planning Committee by request of the Division Member.

1.4 This application was deferred by the Ripon and Skipton Planning Committee in September 2023 upon Member request for additional information relating to fire escape, refuse storage and collection, due to third party land ownership to the rear of the building.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED for the reasons given below.

2.1. The proposal seeks planning consent for the change of use to first, second and third floors to a House of Multiple Occupancy (HMO), providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities. The use of the upper floors is believed to be of domestic use, in association with the lower floors.

2.2. The proposal is set within the development limits of Ripon and would contribute towards the 5 year housing land supply in accordance with the growth strategy, compliant with Local Plan policies GS2 and GS3.

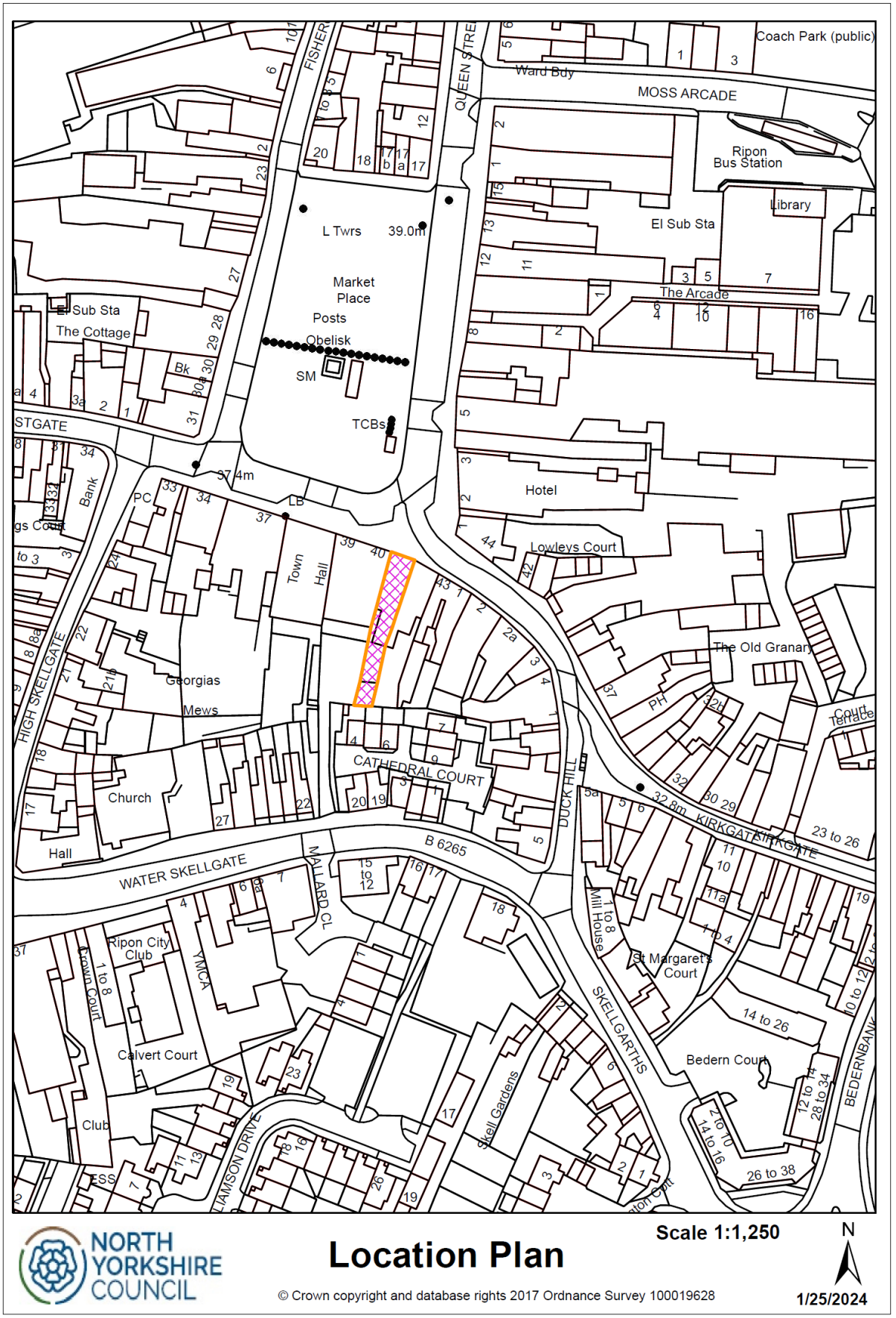
2.3. External works relate to repair works with the siting of cycle storage and refuse storage set to the rear amenity space and as such there would not be a demonstrably negative impact on the character of the street scene, or Conservation Area and would not introduce unacceptable impacts on amenity, highways, or environmental health, subject to conditions in the event of approval.

2.4. However, amended submitted plans submitted indicate the installation of an additional internal staircase leading from the ground floor to the first floor accommodation. There is currently a stairs case between floors set to the rear of the building.

2.5. It has been confirmed by the Building Control Officer that the installation of an additional staircase is not necessary to comply with Building Regulations with regards to egress for the purposes of fire escape, with alternate sprinkler and fire alarm systems advised.

2.6. It is considered that by virtue of the installation of an internal staircase and alteration to the historic layout of the building, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by the public benefit of bringing the upper floors of the building back into use.

2.7. The application does not meet the requirement of the NPPF and would not comply with the advice found in the Heritage Management Guidance 2014 as well as the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-

3.2. There are 3 relevant planning applications for this application which are detailed below.

ZC23/01973/LB– Listed Building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (Use Class C4). Pending consideration.

22/00705/FUL - Change of use and conversion of first, second and third floors into 4no self-contained bedsit flats and 1no 2 bedroom flat, including internal alterations and insertion of new second floor window to rear. Withdrawn 11.11.2022.

22/00706/LB - Change of use and conversion of first, second and third floors into 4no self-contained bedsit flats and 1no 2 bedroom flat, including internal alterations and insertion of new second floor window to rear. Withdrawn 11.11.2022.

4.0 Site and Surroundings

4.1. 41, Market Place is a grade II listed building with the Dragon Inn Restaurant occupying the ground and lower ground floor. The upper floors are associated with and accessed through the restaurant, however the planning history does not indicate a confirmed use class.

4.2. The proposal is set within the Ripon Conservation Area and within its city centre. There is a separate access to the rear of the building leading to Waterskellgate, however, this is over third party land and has been without the owners consent

5.0 Description of Proposal

5.1. This is an application for the change of use of the building to provide HMO accommodation in addition to the existing restaurant. The external works entail; repair works to slates, chimney stack, render, gutter and windows and door. The internal works within the original submission requires; redecoration, repair works to fenestration, replacement fitting of kitchen, replacement of sanitary wear and splash backs to two shower rooms, installation of floor covering to stairs, landing, 2nd and 3rd floor bedroom areas over existing retained floor and removal of a partition wall to the 3rd floor. The majority of the works mentioned

above are internal works and repair works do not require planning permission, but are highlighted for information purposes. Further details are provided within the officer report for the Listed Building application.

5.2. The agent has submitted additional information following consultation with the Building Control department since the deferral of the decision at the September 2023 committee, confirming that a sprinkler system would be required within the building, however no external fire escapes would be required.

5.3. The agent has additionally submitted amended proposed plans installing an internal staircase from the first floor accommodation to provide a ground floor entrance adjacent to the main entrance door to the Market Place. The amended plans also indicate the siting of a refuse storage area to the rear of the building, with refuse to be arranged by private collection.

5.4. This work has been partially completed and therefore is part-retrospective, further details of the works are included within the officer assessment.

5.5. The application site previously included an area of land within the red edge line of development, to provide access to the public highway on to Water Skellgate, to the rear of the proposal site. This is not under the ownership of the applicant and notice has been served on The Council as the owner of the access road. This access has been removed from the red edge line of development within the amended plans and the sole access would be through the front of the building within this application.

5.6. This application accompanies full planning application ZC23/01973/LB.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

- Supplementary Planning Document: Heritage Management
- Ripon Conservation Area Appraisal
- Ripon Neighbourhood Plan

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.1. **Building Control:** Amended plans; Verbal consultation indicated that second staircase is not required for Building Control compliance reasons in relation to Fire safety subject to; "If the second stair is not provided the existing stair will need to perform as a protected escape route so will require a minimum 60 minutes fire resistance, minimum FD20 fire doors and mains wired smoke alarm and sprinkler systems throughout."

Original plans**;** Advises that a Building Regulations application will be required for this proposal. The officer recommends that Planning permission is only granted once the LPA are satisfied that a suitable, satisfactory appraisal of the existing foundations and the design of any new foundations has been prepared by a structural engineer (who is familiar with the specific ground related issues in the Ripon area) following a suitable ground investigation by an individual/company with the relevant level of experience.
Officer note – this is not considered to be relevant, as no extensions or foundation works are included as part of the proposals.

7.2. **Design and Conservation:** Amended plans; Objection to amended plans due to installation of staircase creating less than substantial harm to designated heritage asset without sufficient public benefit to outweigh harm.

7.3. Environmental Health: Original Submitted plans; No objections subject to a condition restricting the occupation of the proposal to be in direct association with the ground and lower ground floors, relating to refuse storage and collection and noise mitigation. Amended plans; No objections, however queries convenience of location of the bin stores due to its distance from the rear of building.

7.4. **Estates Department:** Land at the rear of the property fronting onto Water Skellgate is in the ownership of North Yorkshire Council. The applicants do not have any rights to access the rear of the application site over North Yorkshire Council's land.

7.5. **Highways Department** – No objections due to provision of cycle storage and sustainable location.

7.6. **Historic England** – No comments.

7.7. **Housing Department** – Set out comments in relation to fire safety, a licence for the provision of a HMO for 5 or more occupants, clarity on the occupation of the third floor, siting of wash hand basins away from toilet and shower facilities and w/c off a bathroom is not ideal with regards to hygiene, advises of a Prohibition Order and Improvement Notice of the building requiring improvement works, advises access should only be through the rear door, advises improvements to the rear path, advises compliance with Building Regulations, advises the provision of adequate light and ventilation, advises the repair of windows, advises that'.

7.8. **MOD** – No Objections.

Local Representations

7.9. 0 letters of representation have been received from members of the public.

8.0 Main Issues

8.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on the character and appearance of the Grade II Listed Building, street scene and Conservation Area.
- Residential Amenity
- Highways
- Environmental Health
- Other matters

9.0 ASSESSMENT

Principle of Development

9.1 The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council in December 2020. The Inspectors' Report concluded that, with the recommended main modifications, which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.

9.2 Material to the consideration of this application is the Local Plan and the 5 year land supply position. The Council's Local Plan makes allocations of land and sets development limits to meet the housing needs of the district to 2035. Sites have been identified as allocations in the Local Plan as those that best deliver the Plan's growth strategy. Development should therefore be directed toward these sites and other sites within development limits that accord with policies in the Local Plan. Proposals coming forward on other sites outside the development limits are unlikely to be viewed favourably.

9.3 In regard to 5 year land supply the Council has a healthy land supply position, currently 7.7 years when compared against the housing requirement, with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out-of-date. Full weight can be afforded to the housing policies in the Local Plan.

9.4 Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Local Plan Policies GS2 and GS3 set out the growth strategy for the District and the development that may be considered outside defined development limits.

9.5 The site lies within the development limit for Ripon, as defined by Policy GS3. The principle of permitting housing on this site would therefore not undermine the growth strategy contained in Policies GS1 and GS2 nor would it be contrary in principle to Policy GS3.

9.6 The proposal related solely to the upper floors of the development and would retain the restaurant use to the ground and lower ground floor. As such, the proposal would not require the loss of a ground floor retail, or business use.

9.7 Criteria G of Local Plan Policy EC5, relating to Town Centre Development reads as follows; Proposals involving residential or office development above ground floor premises within town or city centres will be permitted provided that they will not cause adverse impacts on the amenities of neighbouring occupiers. In addition, development at ground floor should not compromise the current use, or future reuse of upper floors.

9.8 A C4 House of Multiple Occupancy is a form of residential use. As assessed within the Residential Amenity section of this report, the proposal would not introduce unacceptable amenity concerns.

9.9 The principal of the proposal aligns with policy GS2, GS3 and EC5.

Impact on the character and appearance of the Grade II Listed Building, street scene and Conservation Area

9.10 Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard is paid to the special architectural, or historic interest of the Listed Building.

9.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

9.12 The NPPF re-iterates that there a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic, social and environmental. The guidance advises that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.13 Of particular reference to this application are sections 12 relating to Achieving Well Designed Places and 16 relating to Conserving and Enhancing the Historic Environment. Section 12 attaches great importance to the design of the built environment, stating good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.14 Paragraph 139 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

9.15 In determining planning applications concerning the historic environment, paragraph 203 indicates that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; the wider

social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place.

9.16 Paragraph 205 advises 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.

9.17 Paragraph 207 advises 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 total loss is necessary to achieve substantial public benefits that outweigh that harm, or certain criteria apply.

9.18 Paragraph 208 states 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.

9.19 These national considerations are delivered at a local level through policies of the Harrogate District Local Plan.

9.20 Local plan policy HP3 “Local Distinctiveness” requires development to incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments.

9.21 Local Plan Policy HP2 requires that development in conservation areas, or to listed buildings do not have an adverse effect on the character and appearance of the area or the building. This policy is in accordance with the advice contained within the National Planning Policy Framework. The Council's Conservation Area Appraisal and conservation development SPD are also relevant to this case.

9.22 The Harrogate District Heritage Management Guidance Supplementary Planning Document is also relevant to this application. This provides detailed guidance on how the Council will apply heritage and design policies, and is afforded considerable weight in the determination of applications and appeals.

9.23 The proposal seeks to convert the upper floors of the existing building to provide accommodation for the staff in connection with the existing restaurant business to the ground and lower ground floor. In the event of approval, a condition could reasonably be recommended to ensure the residential use is occupied by those employed in relation to the ground and lower ground floor commercial use, this is currently The Dragon Inn Chinese restaurant.

9.24 The details of the application have been amended since the deferral of the application at the September Ripon and Skipton Committee. This deferral was on the basis of requiring additional information relating to Fire Safety to ensure safe egress from the building and the inclusion of a rear access route to Water Skellgate. The land to the rear of the premises, which could facilitate a rear access route is owned by a third party and the applicants have no right of access currently over this land.

9.25 The planning history does not indicate an existing permitted use of the site. The agent has indicated that there is a historic domestic use in association with the upper floors.

9.26 41, Market Place is a grade II listed building constructed in the early 19th century in brown brick and arranged over three floors plus a converted attic and basement. The Listing entry describes the features of the proposal as; Two bays with a full width pediment: sashed Diocletian window in tympanum, both to front and rear facades, Sashes with glazing bars and channelled stucco voussoirs. Ground floor has contemporary shopfront with window altered: Tower of the Winds pilasters, paterae above, dentilled cornice, and dentilled pediment over door.

9.27 Therein, the key details within the Listing description related to the external features of the building. The internal decoration and finishes to the building are considered to be modern, although there is architectural merit in the fabric and layout of the building and retained through internal details.

9.28 The proposal site is set to the south of Ripon Market Place, within its Conservation Area and its commercial centre. It is a visually prominent building within the Conservation Area and contributes positively towards the historic character of the Market Place.

9.29 The submitted Design and Access Statement indicates the ground and basement floors relates to the existing restaurant use within the site.

9.30 The Design and Access Statement additionally confirms that the upper floors have historically been of domestic use and had evolved over a period of time and modernised to become staff accommodation in relation to the existing business, however formal planning consent and Listed Building consent was not sought. The works within this application have been completed in part and the application is considered to be part - retrospective.

9.31 The Conservation Officer provided comments on the original submitted plans relating to works to remove a modern internal partition with other internal alterations retaining the historic fabric of the building. These works were considered to be mostly decorative. Some partitions were removed from the top floor, some new bathroom fittings have been installed, none of which would have been considered to result in harm to the significance of the designated heritage asset.

9.31 The Conservation Officer indicated that the windows are not shown within the submitted details as intended to be replaced, however, they are in need of repair. In the event of approval, a full method statement for the repair of the windows will be required and the inclusion of a condition would be recommended relating to the replacement of window(s) if required.

9.32 However amended plans have been submitted and have been requested to be considered as the plans for determination within this application. The amended plans include the installation of an internal staircase from the ground floor adjacent to the main entrance onto Market Place, leading to the first floor accommodation.

9.33 The Conservation Officer has been consulted and raises the following concerns;

“The application is for the installation of a new staircase from ground to first floor. Access to the new staircase will be from within a recessed porch area which also provides access to the ground floor restaurant/takeaway.

There is an existing staircase from ground to first floor located to the rear of the building. The main and more grand staircase begins at first floor and runs through the centre of the building spanning both sides of the building.

The application contains no heritage assessment for the installation of the new staircase. There are insufficient details provided in terms of the justification of the installation. No evidence to show that there was a staircase here previously (no lifting of floor coverings to see if there are different floor boards at first floor in the hall way or the front room) and no structural details which would advise what alterations are required (cutting out floor joists will require alternative lateral support for the first floor). This level of detail should not be conditioned, it is a listed building and the proposed works would affect the intrinsic character of this structure, result in loss of historic fabric and changing the historic plan form of the building. The Heritage Statement that was submitted, relates to the repair works to the rest of the property, there is no assessment of significance for the building or impact assessment.

There has been additional information provided from an archive that provides details as to the people who lived in the building, but there are no historic plans. Part of the description includes:

“In the basement were the kitchen and store cellars, with a W.C. in a railed-off area outside. On the ground floor there was the shop at the front and a showroom at the rear. A staircase between these led up to the first floor which contained the drawing room at the front and the nursery or study at the rear.”

This implies that there was a previous staircase (perhaps before the rear staircase was constructed) below the existing first floor staircase which likely spanned the width of the building. It may have been due to the changes in the ground floor use that it was removed and the rear staircase was installed. There is no evidence to suggest that there was a staircase from ground to first floor at the front of the building. Further investigation should have been carried out in order to support and justify the proposed alterations.

In terms of justification for the proposed staircase, it is not a requirement for a means of escape (under Building Regulations).

The installation of an additional staircase will result in harm to the significance of the designated heritage asset. This harm is through damage and loss of historic fabric as well as alteration to layout and loss of historic plan form.

There has been no justification put forward for the creation of the staircase in terms of heritage. I have seen no evidence to suggest historically there was a staircase at the front of the building from ground to first floor and as advised by Building Control, having two ground to first floor staircases would not assist in fire escape from the building.

The only benefits to the additional staircase are private and therefore the harm would not be outweighed by public benefit. Not installing a second ground floor staircase would not make the building unusable. There is existing ground to first floor access from the rear of the building. As the access element is not being considered as part of the application, we can only assess the scheme based on the current situation – there is access to the upper floors.

With regards to the other elements that were raised in the initial conservation comments. A full method statement for the repair of the windows is required. Including: A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example); Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal). Confirmation of materials and finishes; If a change in window style is proposed, the proposed change should be clearly identified and justified; A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

On balance, the proposed installation of a new staircase is not supported from the heritage perspective. The works do not preserve the special architectural or historic interest of the listed building, as required by the Planning (Listed Buildings and Conservation Area) Act 1990. The works would result in loss of historic fabric and unknown interventions into the historic structure. The plan

form of the listed building would change, affecting the significance of the designated heritage asset. The harm is less than substantial and as required by the NPPF paragraph 202, any harm must be outweighed by public benefits. The development does not meet the requirements of section 16 of the NPPF."

9.34 As such, less than substantial harm has been identified though the works within the proposal. In line with paragraph 209 of the NPPF, where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.35 There is a public benefit to the proposal which can be viewed from this development relating to economic objectives. Economic benefits of development are identified within the NPPF as a key dimension to achieving sustainable development. The proposed development would provide economic benefits through occupation of the development.

9.36 Additionally, the development would bring the upper floors of the building into re-use and arguably the optimum use for the building. However, the installation of the staircase is not required in order to provide access, as there is an existing staircase to the rear of the building leading to the rear amenity space and allowing access through the restaurant. It has been indicated by the Building Control department that the additional staircase is not required for Fire Safety reasons.

9.37 As such, the change of use could occur without the installation of the additional internal staircase and the harm to the designated heritage asset through its installation is not adequately justified in this regard. Therein, it is not considered that the harm introduced through the installation of an additional internal staircase would be outweighed by public benefits, which could be achieved without this internal alteration.

9.38 The application has been supported by a Heritage Statement which justifies the works as originally submitted within the application, however the additional supporting information submitted with the amended plans does not adequately justify the alterations to the historic layout of the building through the installation of an additional staircase.

9.39 While the proposal would not be considered to harm the special character of the Conservation Area, it would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF and not considered to be outweighed by public benefit in this case as assessed above. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

9.40 Policy HP4 states development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations will include the impacts of development on: overlooking and loss of privacy, overbearing and loss of light, vibration, fumes, odour, noise and other disturbance.

9.41 The proposal would not increase the dimensions of the building and would be not considered to create unacceptable overlooking, overshadowing or overbearing impacts on amenity in this regard.

9.42 The habitable rooms of the proposal are each served by windows and would be considered to provide adequate light and ventilation to occupants subject to the necessary repairs to fenestration.

9.43 As the proposal is a conversion of an existing building and not a new build development, the accommodation is not required to accord with the NDSS (Nationally Described Spaces Standards) in line with Local Policy HS5. However, the proposal is considered to create accommodation with adequate size rooms to provide an acceptable level of amenity to future occupants.

9.44 The proposed development adjoins 42 Market Place to the east, which hosts ‘A.M. Row & Sons’ jewellers to the ground floor. The first and second floor accommodation has not been confirmed due to a lack of planning history on the site. However, planning consent 95/01376/COU permitted the change of use of the rear of the first floor into a bed sit. It would be reasonable to consider that the remainder of the accommodation is ancillary to the ground floor use on this

basis. The ground floor retail use is considered compatible to be set adjacent to residential accommodation in this regard.

9.45 The proposed development adjoins 40 Market Place which hosts 'The Claro Lounge' restaurant to the ground floor and 4 residential apartments to the upper floors. As such, the uses to the upper floors of the two adjacent buildings are considered to be compatible with the proposed use with regards to noise impact.

9.46 The Environmental Health Officer was consulted and advised the acceptability of the proposal subject to a condition restricting the occupation of the proposal to be directly associated with the ground and lower ground floors. On consideration of the proposal's description referencing the link to the restaurant use and as previously agreed with the agent, this would be a reasonable condition in the event of approval.

9.47 The Environmental Health Officer requested conditions relating to the submission of details on refuse collection on review of the original submitted details. The Planning Committee requested additional information with regards to refuse collection within the reasons for deferral of the application for the September Ripon and Skipton Committee. This was due to the sole permitted site access from a Highway, being to the front of the building on Market Place, with concerns relating to the impact of additional refuse storage collection fronting the Market Place.

9.48 The agent has clarified that the refuse storage would be to the rear amenity space and has included this within the proposed site plan. The agent has additionally clarified that refuse collection would be arranged privately (to the front of the premises) to alleviate concerns raised with regards to the storage of refuse within the Market Street frontage.

9.49 It would be visually more appealing if refuse was collected from the rear of the premises, however, no such option has been put forwards for consideration by the applicants

9.50 As the current commercial element of the site currently stores refuse within the rear amenity area and would be collected privately, the volume of refuse would not be significantly increased through the use of the upper floors for residential use. On consideration of the above, it is not considered that this element would

present additional amenity concerns for future occupants, or those utilising the Market Place, to warrant refusal of the application.

9.51 The Environmental Health Officer recommended further conditions on noise mitigation which relate to the proposal as open market accommodation, which is not applicable in this case, as the accommodation is ancillary to the restaurant use. Should any owner of the property in the future, wish to alter the occupancy and enable it to be used for any one on the open market, then this would require a further planning application. It is likely that the Environmental Health Officer would require further conditions to be attached and works carried out to the building, to ensure that the amenity of future occupants is protected. This would also have to be assessed in relation to any potential impact on the listed building.

9.52 The Council' s Housing officer provided comments which advises; in relation to fire safety, a licence for the provision of a HMO for 5 or more occupants, clarity on the occupation of the third floor, siting of wash hand basins away from toilet and shower facilities and w/c off a bathroom is not ideal with regards to hygiene, advises of a Prohibition Order and Improvement Notice of the building requiring improvement works, advises access should only be through the rear door, advises improvements to the rear path, advises compliance with Building Regulations, advises the provision of adequate light and ventilation, advises the repair of windows, advises that ' If the issues identified above are not rectified, or the apartments are found to be overcrowded in the future then the private sector housing team may be required to take appropriate enforcement action under the Housing Act 2004 or any other relevant legislation.'

9.53 An informative can be included in relation to the obtaining of a licence for a HMO for 5 or more people, and referring to the advice of the Housing Officer as a whole. Building Regulations are required to be complied with however this is separate to the Planning process and this fall under different Legislation. It is reasonable to include a condition for details of the improvement to the rear access path within the amenity space to the rear garden. For clarity, this does not relate to the access form the highway which is in 3rd party ownership

9.54 Therein and subject to conditions, the proposal is considered to accord with Local Plan Policy HP4 and the NPPF.

Highways, Access and Parking

9.55 Policy TI3 relates to parking and access. Paragraph 114 of the NPPF states; Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.56 The proposal building comprises access to the front of the building from Market Place to the ground floor and lower ground floor, with an additional rear access from the amenity space to the upper floor accommodation and as an exit from the restaurant kitchen, into an amenity space.

9.57 The proposal does not seek to alter the access to the rear of the building, with the red edge line of development amended to remove the access being taken from Water Skellgate to the south over third party land. There is an additional pedestrian access through the restaurant to Market Place.

9.58 The highways department were consulted on the application and provided the following comments; “There is no parking associated with this planning application however with the excellent sustainable travel links within close proximity to this development and the three units of cycle storage provided which can be seen in the plans, the LHA deems this acceptable.”

9.59 The proposal is well-connected to public transport links and is considered to be a sustainable location and seeks to provide cycle storage within the amenity space to the rear of the building. Cycle storage has been included on the proposed site plan. However as the access to the rear of the building to Water Skellgate is over third party land without consent at present, this cycle storage cannot be delivered.

9.60 However and on balance there are no highway safety concerns arising from the development and the proposal meets paragraph 114 of the NPPF and policy TI3 of the Local Plan.

Other matters

Land Ownership

9.61 The Council’s Estates Team provided comments stating that “Land at the rear of the property fronting onto Water Skellgate is in the ownership of North

Council. The applicants do not have any rights to access the rear of the application site over North Yorkshire Council's land." Consequently the access to Water Skellgate from the rear of the building has been removed from the red edge line of development, although the agent has indicated that access would be sought by the applicant separate from the application.

9.62 The matter of landownership is not a material consideration in the determination of a planning application, however as this would be required to be resolved, an informative would be included in the event of approval since the amenity space has an access onto this third party land and should additional access be sought to Water Skellgate in future.

Land Stability

9.63 The Building Control Officer advised that a Building Regulations application will be required for this proposal and recommends that planning permission is only granted once you are satisfied that a suitable, satisfactory appraisal of the existing foundations and the design of any new foundations has been prepared by a structural engineer (who is familiar with the specific ground related issues in the Ripon area) following a suitable ground investigation by an individual/company with the relevant level of experience.

9.64 The proposal does not alter the physical footprint, or volume of the building, or substantially alter its occupancy of the restaurant use to the lower floors. As such the proposal accords with policy NE9 and a further appraisal of the foundations would not be proportional to the works requested.

Fire Safety

9.65 Members of the Ripon and Skipton committee deferred the determination of this and accompanying application, ZC23/01973/LB, in September. One of the reasons related to fire safety concerns.

9.66 Verbal consultation indicated that a second staircase is not required for Building Control compliance reasons in relation to Fire safety subject to; "If the second stair is not provided the existing stair will need to perform as a protected escape route so will require a minimum 60 minutes fire resistance, minimum FD20 fire doors and mains wired smoke alarm and sprinkler systems throughout." As

such, no additional internal or external staircases would be required to meet Building Regulation in this particular regard.

Housing Officer Comments

9.67 The Council's Housing Officer comments that the second-floor accommodation is annotated as storage space within the submitted plans. However, the proposal description and titles to the Floor Plans of each floor indicate that the 2nd floor would be included within the HMO and has been reviewed as additional accommodation, with the potential to provide 2 additional bedrooms. An informative has been included to direct the applicant to the Housing Officer's advice on Houses of Multiple Occupancy.

10.0 PLANNING BALANCE AND CONCLUSION

10.1 Overall the principle of development can be supported in accordance with Local Plan Policies GS2, GS3 relating to development limits and growth strategy, and as upper floor town centre development which accords with the criteria of Local Plan Policy EC5 relating to town centre development.

10.2 External works relate to repair works with the siting of cycle storage and refuse storage set to the rear amenity space and as such there would not be a demonstrably negative impact on the character of the street scene or Conservation Area.

10.3 However, by virtue of the installation of an additional, non-essential, internal staircase and alteration to historic layout, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by public benefit. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.0 RECOMMENDATION

11.1 That planning permission be REFUSED for the following reasons:

1. By virtue of the installation of an additional, non-essential internal staircase and alteration to historic layout, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by public benefit. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Target Determination Date: 9 February 2024

Case Officer: Emma Walsh
emma.walsh@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

6 FEBUARY 2024

ZC23/01973/LB - LISTED BUILDING APPLICATION FOR WORKS ASSOCIATED WITH CHANGE OF USE TO FIRST, SECOND AND THIRD FLOORS TO A HMO PROVIDING STAFF ACCOMMODATION IN ASSOCIATION WITH EXISTING GROUND AND BASEMENT FLOOR RESTAURANT USE, WITH A COMMUNAL KITCHEN AND SANITARY FACILITIES (USE CLASS C4). RECONSULTATION. AMENDED PLANS. AT DRAGON INN CHINESE RESTAURANT, 41 MARKET PLACE, RIPON, NORTH YORKSHIRE HG4 1BZ ON BEHALF OF MR WANG

Report of the Assistant Director – Planning

1.0 Purpose of the Report

1.1 To determine a Listed Building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (Use Class C4).

1.2 This application accompanies a full planning application for the change of use of the building under application, ZC23/01972/FUL, which is presented to the planning committee under a separate committee item.

1.3 This application is brought to the Planning Committee at a request by the Division member.

1.4 This application was deferred by the Ripon and Skipton Planning Committee in September 2023 upon Member request for additional information relating to fire escape, refuse storage and collection, due to third party land ownership to the rear of the building.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED.

2.1. The proposal seeks listed building consent for the works required in association with the change of use to first, second and third floors to a House of Multiple Occupancy (HMO), providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities. The use of the upper floors is believed to be of domestic use in association with the lower floors.

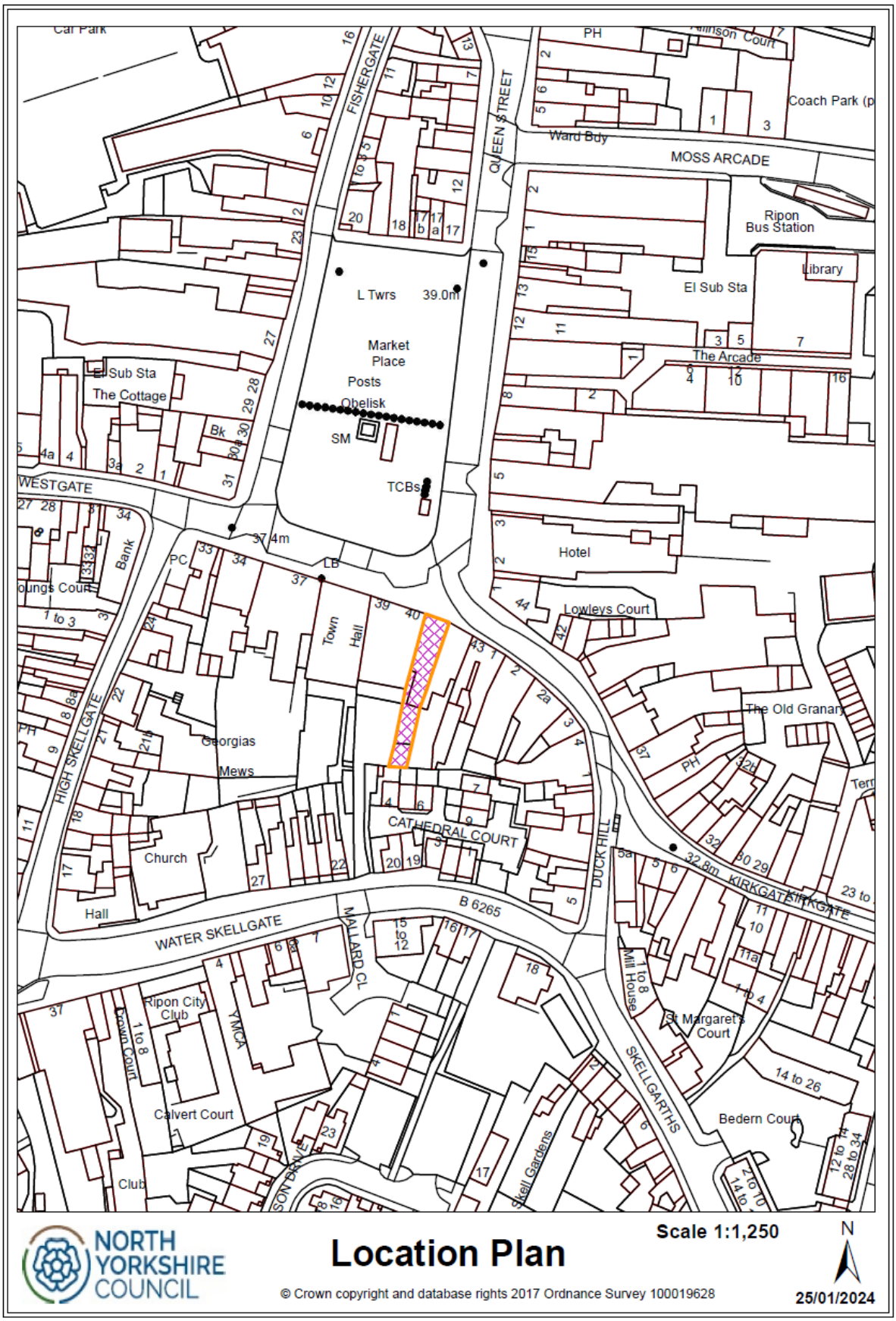
2.2. External works relate to repair works with the siting of cycle storage and refuse storage set to the rear amenity space and as such there would not be a demonstrably negative impact on the character of the street scene or Conservation Area.

2.3. However, amended submitted plans indicate the installation of an additional internal staircase leading from the ground floor to the first floor accommodation. There is currently a stairs case between floors set to the rear of the building.

2.4. It has been confirmed by the Building Control officer that the installation of an additional staircase is not necessary to comply with Building Regulations with regards to egress for the purposes of fire escape, with alternate measures feasible such as; sprinkler, enclosing of the existing stair case, installation of fire doors and fire alarm systems.

2.5. It is considered that by virtue of the installation of an internal staircase and alteration to historic layout, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by public benefit.

2.6. The application does not meet the requirement of the NPPF and would not comply with the advice found in the Heritage Management Guidance 2014 as well as the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.


Car Park
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Market Place
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Obelisk
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TCBs
El Sub Sta
The Cottage
WESTGATE
37.4m
PC
LB
Bank
Hotel
Lowleys Court
Town Hall
The Old Granary
HIGH SKELLGATE
Georgias Mews
CATHEDRAL COURT
DUCK HILL
Church
Hall
WATER SKELLGATE
B 6265
MALLARD CL
32.8m
KIRKGATE
Mill House
St Margaret's Court
SKELLGARTHS
Ripon City Club
YMCA
Crown Court
Calvert Court
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Skell Gardens
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Location Plan
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25/01/2024
NORTH YORKSHIRE COUNCIL

3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here.

3.2. There are 3 relevant planning applications for this application which are detailed below.

ZC23/01972/FUL – Change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (Use Class C4). Pending consideration.

22/00705/FUL - Change of use and conversion of first, second and third floors into 4no self-contained bedsit flats and 1no 2 bedroom flat, including internal alterations and insertion of new second floor window to rear. Withdrawn 11.11.2022.

22/00706/LB - Change of use and conversion of first, second and third floors into 4no self-contained bedsit flats and 1no 2 bedroom flat, including internal alterations and insertion of new second floor window to rear. Withdrawn 11.11.2022.

4.0 Site and Surroundings

4.1. 41, Market Place is a grade II listed building with the Dragon Inn Restaurant occupying the ground and lower ground floor. The upper floors are associated with and accessed through the restaurant, however the planning history does not indicate a confirmed use class.

4.2. The proposal is set within the Ripon Conservation Area and within its city centre.

5.0 Description of Proposal

5.1. This is an application for Listed Building Consent for the works required in association with the change of use of the building to provide HMO

accommodation in relation to the existing restaurant. The external works entail; repair works to slates, chimney stack, render, gutter and windows and door. The internal works require; redecoration, repair works to fenestration, replacement fitting of kitchen, replacement of sanitary wear and splash backs to two shower rooms, installation of floor covering to stairs, landing, 2nd and 3rd floor bedroom areas over existing retained floor and removal of a partition wall to the 3rd floor.

5.2. This work has been partially completed and therefore is part-retrospective.

5.3. This application accompanies full planning application ZC23/01972/FUL.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- Supplementary Planning Document: Heritage Management

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Design and Conservation:** Amended plans; Objection to amended plans due to installation of staircase creating less than substantial harm to designated heritage asset without sufficient public benefit to outweigh harm.

Local Representations

7.3. 0 letters of representation have been received from members of the public.

8.0 Main Issues

8.1 The key considerations in the assessment of this application are:

- Impact on the character and appearance of the Grade II Listed Building

9.0 ASSESSMENT

Impact on the character and appearance of the Grade II Listed Building

9.1 Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard is paid to the special architectural or historic interest of the Listed Building.

9.2 The revised National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

9.3 The NPPF re-iterates that there a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic, social, and environmental. The guidance advises that to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

9.4 Of particular reference to this application are sections 12, relating to Achieving Well Designed Places and 16, relating to Conserving and Enhancing the

Historic Environment. Section 12, attaches great importance to the design of the built environment, stating good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.5 Paragraph 139 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

9.6 In determining planning applications concerning the historic environment, paragraph 203 indicates that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place.

9.7 Paragraph 205 advises 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.

9.8 Paragraph 207 advises 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or certain criteria apply.

9.9 Paragraph 208 states 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.

9.10 These national considerations are delivered at a local level through policies of the Harrogate District Local Plan.

9.11 Local Plan Policy HP2 requires that development in conservation areas or to listed buildings do not have an adverse effect on the character and appearance of the area or the building. This policy is in accordance with the advice contained within the National Planning Policy Framework. The Council's conservation area appraisal and conservation development SPD are also relevant to this case.

9.12 The Harrogate District Heritage Management Guidance Supplementary Planning Document. This provides detailed guidance on how the Council will apply heritage and design policies and is afforded considerable weight in the determination of applications and appeals.

9.13 The proposal seeks to convert the upper floors of the existing building to provide accommodation for the staff in connection with the existing restaurant business to the ground and lower ground floor. The details of the application have been amended since the deferral of the application at the September Ripon and Skipton Committee. This deferral was on the basis of requiring additional information relating to Fire Safety to ensure safe egress from the building and the inclusion of a rear access route to Water Skellgate, owned by a third party without right of access.

9.14 The planning history does not indicate an existing permitted use of the site. The agent has indicated that there is a historic domestic use in association with the upper floors.

9.15 41, Market Place is a grade II listed building constructed in the early 19th century in brown brick and arranged over three floors plus a converted attic and basement. The Listing entry describes the features of the proposal as; Two bays with a full width pediment: sashed Diocletian window in tympanum, both to front and rear facades, Sashes with glazing bars and channelled stucco voussoirs. Ground floor has contemporary shopfront with window altered: Tower of the Winds pilasters, paterae above, dentilled cornice, and dentilled pediment over door.

9.16 Therein, the key details within the Listing description related to the external features of the building. The internal decoration and finishes to the building are considered to be modern, although there is architectural merit in the layout and fabric of the building and retained internal details.

9.17 The proposal site is set to the south of Ripon Market Place, within its Conservation Area and its commercial centre. It is a visually prominent building within the Conservation Area and contributes positively towards the historic character of the Market Place.

9.18 The submitted Design and Access Statement indicates the ground and basement floors relates to the existing restaurant use within the site.

9.19 The Design and Access Statement additionally confirms that the upper floors have historically been of domestic use and had evolved over a period of time and modernised to become staff accommodation in relation to the existing business, however formal planning consent and Listed Building consent was not sought. The works within this application have been completed in part and the application is considered to be part - retrospective.

9.20 The works within this application predominantly relates to internal alterations where external works relate to repairs.

9.21 The Conservation Officer provided comments on the original submitted plans relating to works to remove a modern internal partition with other internal alterations retaining the historic fabric of the building. These works were considered to be considered mostly decorative. Some partitions were removed from the top floor, some new bathroom fittings have been installed, none of which were considered to result in harm to the significance of the designated heritage asset.

9.22 The Conservation Officer indicated that the windows are not shown within the submitted details as intended to be replaced, however, are in need of repair. In the event of approval, a full method statement for the repair of the windows will be required the inclusion of a condition would be recommended relating to the replacement of window(s) if required.

9.23 However, amended plans have been submitted and have been requested to be considered as the plans for determination within this application. The amended submitted plans include the installation of an internal staircase from the ground floor adjacent to the main entrance onto Market Place, leading to the first floor accommodation.

9.24 The Conservation Officer has been consulted and raises the following concerns;

"The application is for the installation of a new staircase from ground to first floor. Access to the new staircase will be from within a recessed porch area which also provides access to the ground floor restaurant/takeaway.

There is an existing staircase from ground to first floor located to the rear of the building. The main and more grand staircase begins at first floor and runs through the centre of the building spanning both sides of the building.

The application contains no heritage assessment for the installation of the new staircase. There are insufficient details provided in terms of the justification of the installation. No evidence to show that there was a staircase here previously (no lifting of floor coverings to see if there are different floor boards at first floor in the hall way or the front room) and no structural details which would advise what alterations are required (cutting out floor joists will require alternative lateral support for the first floor). This level of detail should not be conditioned, it is a listed building and the proposed works would affect the intrinsic character of this structure, result in loss of historic fabric and changing the historic plan form of the building. The Heritage Statement that was submitted, relates to the repair works to the rest of the property, there is no assessment of significance for the building or impact assessment.

There has been additional information provided from an archive that provides details as to the people who lived in the building, but there are no historic plans. Part of the description includes:

"In the basement were the kitchen and store cellars, with a W.C. in a railed-off area outside. On the ground floor there was the shop at the front and a showroom at the rear. A staircase between these led up to the first floor which contained the drawing room at the front and the nursery or study at the rear."

This implies that there was a previous staircase (perhaps before the rear staircase was constructed) below the existing first floor staircase which likely spanned the width of the building. It may have been due to the changes in the ground floor use that it was removed and the rear staircase was installed. There is no evidence to suggest that there was a staircase from ground to first

floor at the front of the building. Further investigation should have been carried out in order to support and justify the proposed alterations.

In terms of justification for the proposed staircase, it is not a requirement for a means of escape (under Building Regulations).

The installation of an additional staircase will result in harm to the significance of the designated heritage asset. This harm is through damage and loss of historic fabric as well as alteration to layout and loss of historic plan form.

There has been no justification put forward for the creation of the staircase in terms of heritage. I have seen no evidence to suggest historically there was a staircase at the front of the building from ground to first floor and as advised by Building Control, having two ground to first floor staircases would not assist in fire escape from the building.

The only benefits to the additional staircase are private and therefore the harm would not be outweighed by public benefit. Not installing a second ground floor staircase would not make the building unusable. There is existing ground to first floor access from the rear of the building. As the access element is not being considered as part of the application, we can only assess the scheme based on the current situation – there is access to the upper floors.

With regards to the other elements that were raised in the initial conservation comments. A full method statement for the repair of the windows is required. Including: A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example); Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal). Confirmation of materials and finishes; If a change in window style is proposed, the proposed change should be clearly identified and justified; A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

On balance, the proposed installation of a new staircase is not supported from the heritage perspective. The works do not preserve the special architectural or historic interest of the listed building, as required by the Planning (Listed Buildings and Conservation Area) Act 1990. The works would result in loss of historic fabric and unknown interventions into the historic structure. The plan form of the listed building would change, affecting the significance of the designated heritage asset. The harm is less than substantial and as required by the NPPF paragraph 209, any harm must be outweighed by public benefits. The development does not meet the requirements of section 16 of the NPPF."

9.25 As such, less than substantial harm has been identified though the works within the proposal. In line with paragraph 208 of the NPPF, where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.26 There is a public benefit to the proposal which can be viewed from this development relating to economic objectives. Economic benefits of development are identified within the NPPF as a key dimension to achieving sustainable development. The proposed development would provide economic benefits through occupation of the development.

9.27 Additionally, the development would bring the upper floors of the building into re-use and arguably the optimum use for the building. However, the installation of the staircase is not required in order to provide access, as there is an existing stair case to the rear of the building leading to the rear amenity space and allowing access through the restaurant. It has been indicated by the Building Control Officer that the additional staircase is not required for Fire Safety reasons.

9.28 As such, the change of use could occur without the installation of the additional internal staircase and the harm to the designated heritage asset through its installation is not adequately justified in this regard. Therein, it is not considered that the harm introduced through the installation of an additional internal staircase would be outweighed by public benefits, which could be achieved without this internal alteration.

9.29 The application has been supported by a Heritage Statement which justifies the works as originally submitted within the application, however the additional supporting information submitted with the amended plans does not adequately justify the alterations to the historic layout of the building through the installation of an additional staircase.

9.30 While the proposal would not be considered to harm the special character of the Conservation Area, it would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF and not considered to be outweighed by public benefit in this case as assessed above. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.0 PLANNING BALANCE AND CONCLUSION

10.1 By virtue of the installation of an additional, non-essential internal staircase and alteration to historic layout, the proposal would result in less than substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by public benefit. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.0 RECOMMENDATION

11.1 That planning permission be REFUSED for the following reasons:

1. By virtue of the installation of an additional, non-essential internal staircase and alteration to historic layout, the proposal would result in less than

substantial harm to the significance of the designated heritage asset as Grade II Listed Building contrary to paragraph 208 of the NPPF. The optimum use and ongoing conservation of the building can be achieved without the proposed layout alterations and as such, the proposal is not considered to be outweighed by public benefit. The application does not meet the requirements of the NPPF, would not comply with the advice found in the Heritage Management Guidance 2014 as well as Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990..

Target Determination Date: 9 February 2024

Case Officer: Emma Walsh
emma.walsh@northyorks.gov.uk

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