

North Yorkshire Council

Community Development Services

Ripon and Skipton Constituency Committee

5th September 2023

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). 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

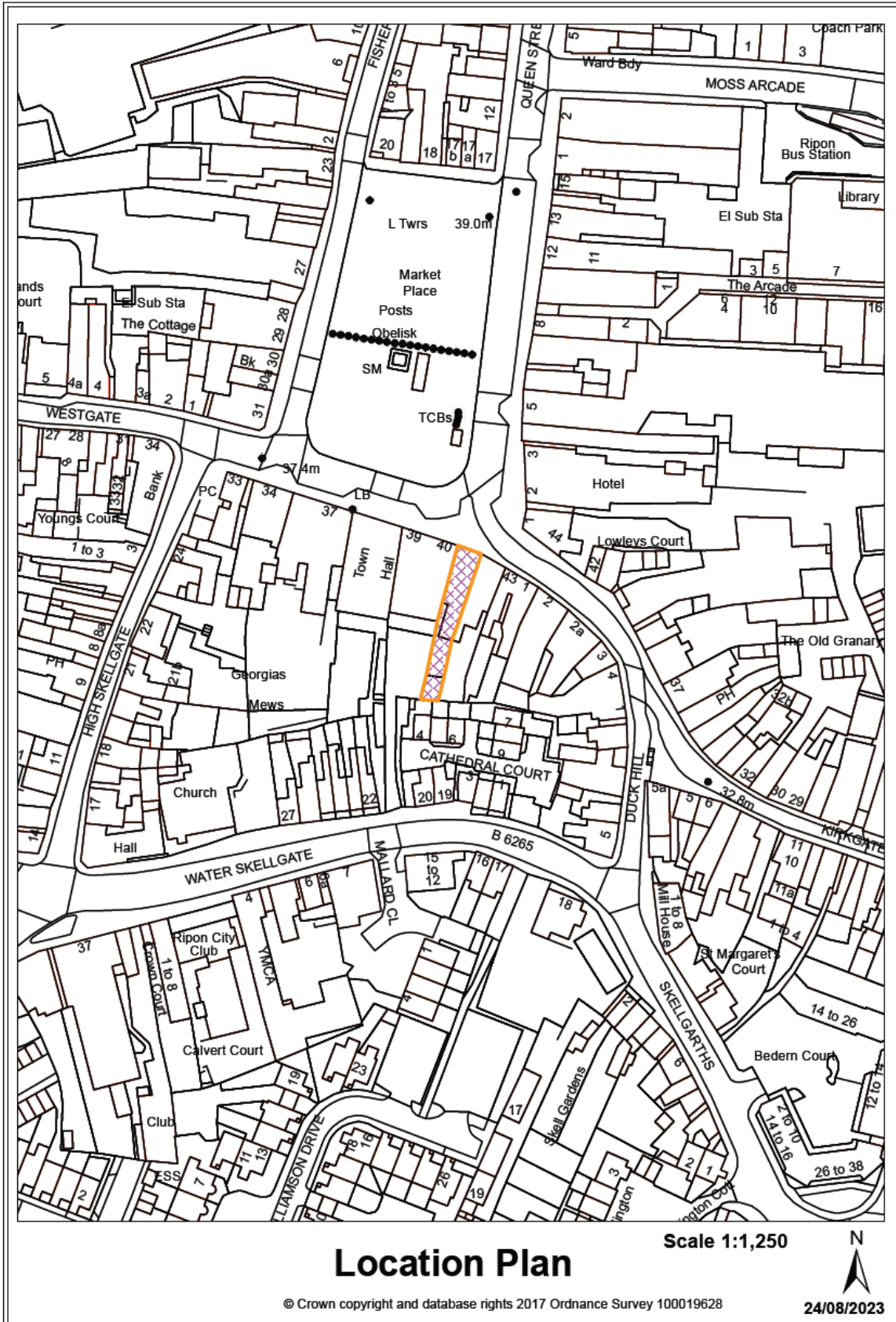
- 1.1 To determine a Listed Building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (Use Class C4).
- 1.2 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.

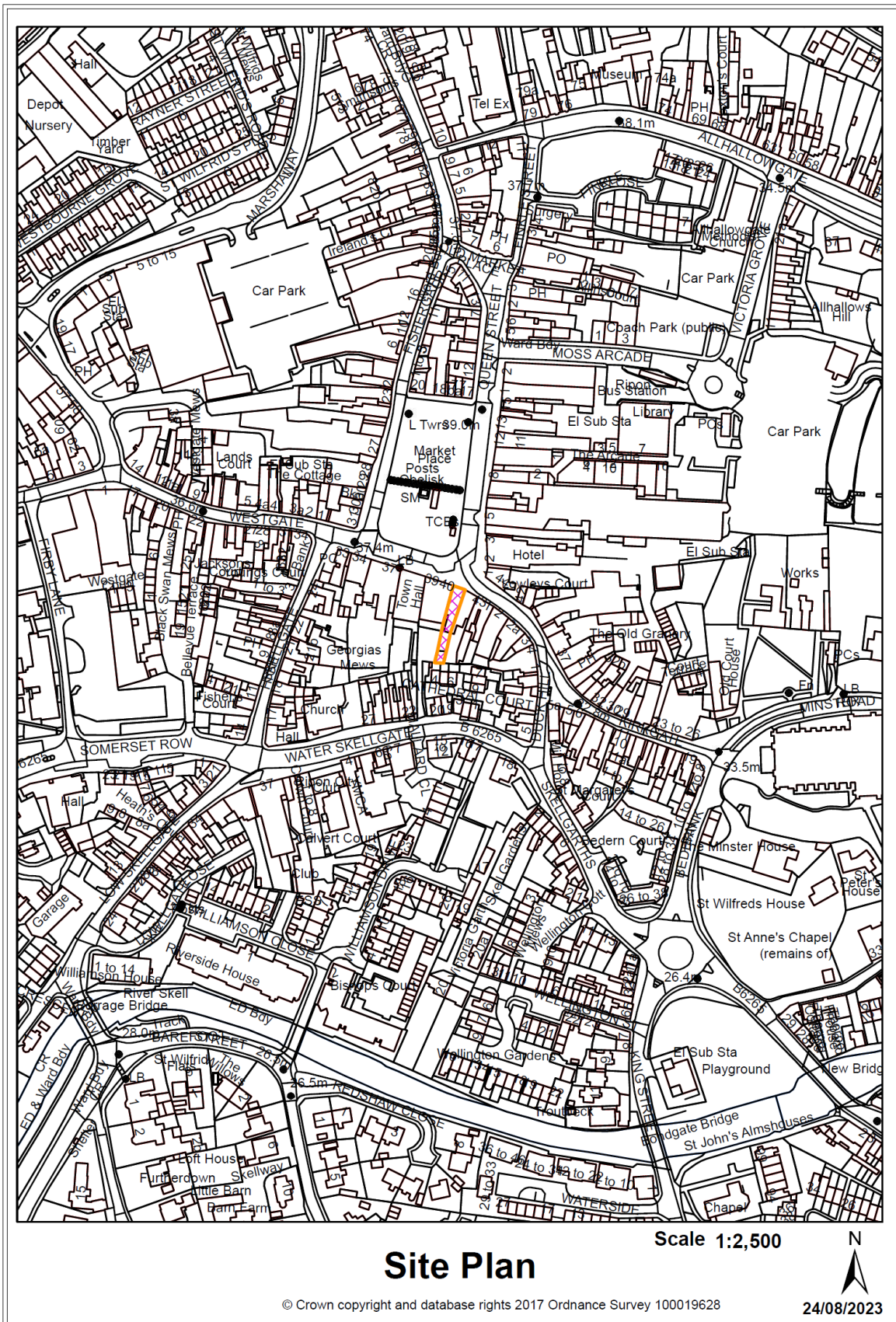
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below.

- 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 not clarified within the planning history for the site, however, is believed to be of domestic use in association with the lower floors.
- 2.2. The proposed works relate to repairs and alteration of modern elements and would adequately safeguard the historic fabric of the building.

- 2.3. The works will not cause harm to the significance of the designated heritage asset. The proposal is considered to comply with Local Plan policy HP2, Chapter 16 of the National Planning Policy Framework and Supplementary Planning Guidance on Heritage Management.





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 2021
 - National Planning Practice Guidance
 - Supplementary Planning Document: Heritage Management
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7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Design and Conservation:** No objection to works, subject to condition relating to the submission of a condition report and detailed drawings for the replacement of windows.

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
 - Other matters

9.0 ASSESSMENT

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

- 9.1 Section 16 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 134 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 197 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 199 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 201 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 202 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.
- 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 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 comment confirming that the internal works removed a modern internal partition with other internal alterations retaining the historic fabric of the building. The proposed works to the listed building are minimal and are considered mostly decorative. Some partitions were removed from the top floor, some new bathroom fittings have been installed, none of which 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. A full method statement for the repair of the windows will be required and requests the inclusion of a condition relating to the replacement of window if required.
- 9.23 The proposal does not result in harm to the significance of the listed building. Moreover, there are clear public benefits 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.
- 9.24 The application has been supported by a Heritage Statement which justifies the proposed works. The application and proposals meet the requirement of the NPPF, Section 16, and will not result in harm to the character of the designated heritage asset. The proposal complies with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.25 On balance, they will not cause harm to the significance of the designated heritage asset or a detrimental harm to the conservation area and meets the requirements of the NPPF and the Council's Local Plan, subject to the inclusion of conditions.

10.0 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal does not result in harm to the significance of the listed building.
- 10.2 The application has been supported by a Heritage Statement which justifies the proposed works. The application and proposals meet the requirement of the NPPF, Section 16, and will not result in harm to the character of the designated heritage asset. The proposal complies with the advice found in the Heritage Management Guidance 2014 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.3 The development will not cause harm to the significance of the designated heritage asset or a detrimental harm to the conservation area. The proposal is considered to comply with Local Plan policy HP2, Chapter 16 of the

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below.

Recommended conditions:**Condition 1 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following details and plans;

Location Plan; drwg no W28 – 1, received 24.05.2023

Proposed Elevation; W28 - 7A, Rev A, received 24.05.2023.

Proposed Basement, Ground Floor and First Floor Plans; drwg no. W28 – 2B, Rev B, received 24.05.2023.

Existing and Proposed Second Floor, Attic and Site Plans; drwg no. W28-3C, Rev C, received 12.07.2023.

Reason: For the avoidance of doubt and in the interests of proper planning

Condition 2 Windows

All necessary repairs to existing windows shall match the existing window. If windows are deemed to be beyond reasonable repair, details of replacement windows shall be submitted to and approved in writing prior to the removal of the existing windows. Thereafter the replacement windows shall be constructed and inserted into the window opening in accordance with the approved details. The following information will be required in such circumstances:

- 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.

Reason: In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

Condition 3 Materials

The external roof and walling materials in the repair works within the development hereby approved shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

Condition 4 Mortar

The replacement of mortar required within the works to the development hereby approved shall be of Lime based mortar and shall not contain cement.

Reason: In the interest safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

Condition 5 Rainwater goods

The repair or replacement of rainwater goods within the development hereby approved shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

Target Determination Date: 8 September 2023

Case Officer: Emma Walsh
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