

Planning, Heritage, Design and Access Statement

Full Planning Application with Listed Building Consent for
'Erection of 2no. Dwellings and Alterations to a Listed Building with Associated Works'



At:
Rear Of 38 North Bar Within
Beverley
East Riding of Yorkshire
HU17 8DL

Applicant:
Mr. B. Marr

Prepared:
1 February 2024



Fretwell's
PLANNING & DEVELOPMENT



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1. Introduction

- 1.1 This Planning, Heritage, Design and Access Statement is submitted to support a planning application for the erection of 2no. detached single storey dwellings on land to the rear of 38 North Bar Within and works to a Listed Building. Listed Building Consent for the works to the Listed Building have already gained.
- 1.2 The proposed new dwellings will be located towards the eastern end of the application site with a courtyard providing private amenity space for each dwelling. A garden area is retained to serve the Listed Building to the west which is to be renovated and brought back into residential use.
- 1.3 The application is an amended scheme to an approved planning application (Application Ref: 16/03078/PLF) which has now lapsed.
- 1.4 The application is submitted on behalf of Mr Marr ('The Applicant').
- 1.5 The site boundary is identified below in Image 1.

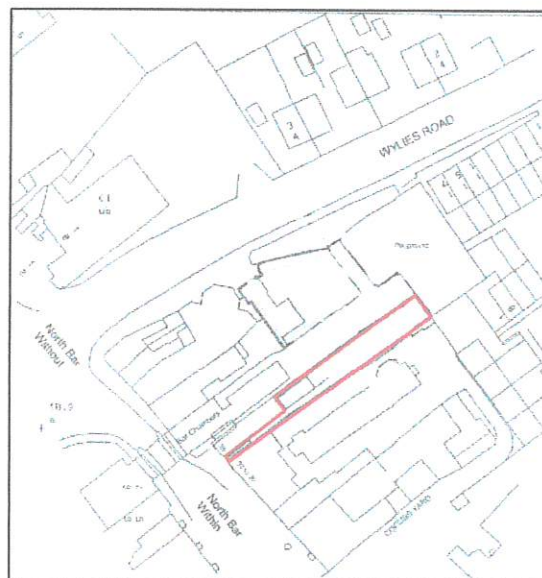


Image 1: Location plan showing application site boundary.



2. Description of Site and Proposed Development

- 2.1 38 North Bar Within is a Grade II Listed Building forming part of a terrace of properties which lies within the town centre and Conservation Area of Beverley. Other Grade II Listed Buildings also lie in the vicinity on North Bar Within. The front part of the property has extant planning use as a restaurant and the application does not relate to that element of the property. Adjoining the rear of the property is an historic dwelling to which this application relates, along with the rear garden area. The building requires extensive renovation to allow its re-use as a dwelling; Listed Building Consent having been granted previously under ref 16/01111/PLB but also being sought. The application site lies within the long narrow curtilage, approximately 6m wide and 32 m long, which extends to the rear (east) of the

building and is accessed via a gated, covered passageway to the south side of 38 North Bar Within.

- 2.2 Planning Permission is being sought to allow the alterations and required works to allow the Listed Building to be brought back into use as a residential dwelling. Given the time elapsed since its last use as a dwelling, substantial works are required to retain the Listed Building and bring the building back into its optimal use. As such, enabling works in the form of planning permission for the erection of 2no. new build dwellings, is being sought. It is proposed to erect the dwellings within the rear amenity land of the Listed Building and for the dwellings to provide appropriately sized market housing that will provide a housing mix within the locality.
- 2.3 The proposed dwellings will be located towards the eastern end of the plot, with a garden area serving each dwelling to the east and west of the buildings. A garden area is retained to serve the Listed Building to the west, which is to be renovated and brought back into use.
- 2.4 This proposal has already been the subject of Planning Approval (Application Ref: 16/03078/PLF), although this permission has now expired.
- 2.5 The site is primarily surrounded by residential properties and their curtilages to the south and north, the host dwelling to the west, and a children's playground to the east. A mix of walls and fencing of varying heights bound the site.
- 2.6 The site and surrounding area are relatively level and lie within low probability flood zone 1.

3. Planning History

- 3.1 Based on information available on East Riding of Yorkshire Council's website, a planning history search of the application site has been carried out. The following applications are the only known planning history for this site:
 - Ref. No: 16/01336/TCA | BEVERLEY CONSERVATION AREA: Ash; fell due to outgrowing location, Box Elder, Fell as overhanging neighbouring property, Laburnum fell; as leaning onto adjoining wall. | Status: TCA No Obj (Fell)
 - Ref. No: 16/01111/PLB | External and internal alterations to refurbish existing dwelling | | Status: Application Approved
 - Ref. No: 16/00848/PLF | Erection of 2 dwellings | Status: Application Refused
 - Ref. No: 16/03078/PLF | Erection of 2 dwellings (Resubmission of 16/00848/PLF) (AMENDED PLANS) | Status: Application Approved
 - Ref. No: 17/04051/TCA | BEVERLEY CONSERVATION AREA: Crab apple: fell due to disease. | Status: TCA No Obj (Fell)
 - Ref. No: 19/03960/PLF | Construction of vehicular access from Wylies Road with automated timber gates and parking area with associated works | Status: Application Withdrawn

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4. Planning Policy

- 4.1 Applications are to be determined in accordance with the policies in the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states, *'if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

National Planning Policy Framework (NPPF) (2023)

- 4.2 The National Planning Policy Framework (NPPF) (2023) is a material consideration and is the Government's overarching framework for planning policy. Paragraph 8 of the NPPF provides for a presumption in favour of sustainable development. Proposals that accord with the development plan should be approved without delay and where there are no relevant development plan policies, or the policies that are most important for determining the application are out of date, permission should be granted unless:

- a) *The application of the policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- b) *any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 4.3 The relevant sections of the NPPF in the instance of this planning application are:

- *Presumption in favour of sustainable development*
- *Core planning principles*
- *Ensuring the vitality of town centres*
- *Promoting sustainable transport*
- *Delivering a wide choice of high-quality homes*
- *Requiring good design*
- *Promoting healthy communities*
- *Conserving and enhancing the natural environment*
- *Conserving and enhancing the historic environment*



- 4.4 Paragraph 38 of the NPPF states that:

'Local planning authorities should approach decisions on proposed developments in a positive and creative way. They should use the full range of planning tools available....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.'

4.5 Section 12 'Achieving well-designed and beautiful places' paragraph 135 states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit:*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*



4.6 The Government also seeks to secure high-quality design and a good standard of amenity for all existing and future occupants of buildings. Paragraph 131 places great importance on the design of the built environment, stating that good design is a key aspect of sustainable development.

4.7 Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development. Paragraph 205 of the NPPF states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

4.8 Paragraph 208 states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

East Riding Local Plan Strategy Document (ERLP)

4.9 In this case, the Development comprises the East Riding Local Plan Strategy Document (ERLP) adopted in April 2016 and the Allocations Document that was adopted in July 2016.

4.10 The relevant policies are as follows:

- S1 (Presumption in favour of sustainable development)
- S2 (Addressing climate change)
- S3 (Focussing development)
- S5 (Delivering housing development)
- S8 (Connecting people and places)
- H1 (Providing a mix of housing and meeting needs)
- H4 (Making the most efficient use of land)
- EC4 (Enhancing sustainable transport)
- ENV1 (Integrating high quality design)
- ENV3 (Valuing our heritage)
- ENV6 (Managing environmental hazards)
- A1 (Beverley & Central sub-area)



4.11 Policy S1 reiterates the presumption in favour of sustainable development which is a core thread which runs through the NPPF. Sustainable development seeks to ensure that proposals meet present needs without significantly adversely affecting the environment for future generations. It states that the authority will work proactively with applicants to find solutions which mean proposals can be approved wherever possible.

4.12 Policy ENV1 states that proposals should contribute to safeguarding and respect the diverse character and appearance of the area through their design, layout, construction, and use. Development will be supported where it achieves a high quality of design that optimises the potential of the site. Proposals should consider the needs of users, including equality of access and improving healthy lifestyles. ENV1 further states that good design should also include the appropriate provision of car parking.

4.13 Policy ENV2 requires development proposals to be sensitively integrated into the existing landscape, demonstrating an understanding of the intrinsic qualities of the landscape, and setting and, where possible, seek to make the most.

4.14 Policy ENV3 considers how best to manage the conflict between the pressure for the development and the need to preserve heritage assets. Development should conserve the significance, views, setting, character, appearance, and context of heritage assets.

4.15 Policy EC4 looks at sustainable transport, and states that *"In order to increase overall accessibility, minimise congestion and improve safety, new development will be supported where it is accessible, or can be made accessible, by sustainable modes of transport and addresses its likely transport impact."*

4.16 The requirements within these policies are consistent with the NPPF, in particular with the *"Core planning principles"* and *"Requiring good design"* sections which promote the enhancement and improvement of places through high quality design which functions well and improves the character or quality of an area and the way it functions, contributes

positively to making places better for people, and promotes a good standard of amenity for existing a future occupants of the land and is easy and safe to move around.

- 4.17 Given the siting of the proposal, Policy relating to Listed Buildings and Conservation Areas is also of relevance:

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66 – Special regard to the desirability of preserving or enhancing Listed Buildings and their settings.
- Section 72 – special regard to the desirability of preserving or enhancing the conservation area.

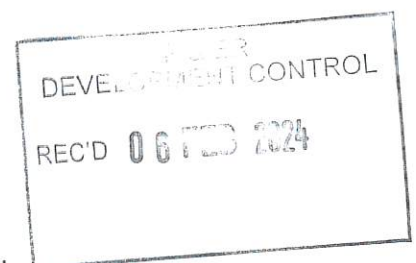
National Design Guide

- 4.18 The National Design Guide (NDG) was produced by MHCLG and published on 1st October 2019. The NDG reinforces the aim of the NPPF to create high-quality place and buildings and illustrates how well-designed places can be achieved in practice and can be used by all those involved in the shaping of places, including decision making.

- 4.19 The NDG (Paragraph 8) states that *“The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities...This includes people at different stages of life and with different abilities...”*

- 4.20 The NDG addresses the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities in the form of ten characteristics:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built Form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public Spaces – safe, social, and inclusive.
- Uses – Mixed and integrated.
- Homes and Buildings – functional, healthy, and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.



- 4.21 The ‘Design Statement’ for the proposal is as follows:

‘The existing house is of red brick construction with slate roof, and timber painted, fascia, windows, and external doors. The proposal provides an opportunity for a pair of semi-detached 2-bedroom, single storey properties in a town centre location.

The design of the new builds has been undertaken with significant consideration given to neighbouring properties and future occupants of the 3 dwellings on site. A pastiche of the existing buildings in the immediate locality would not be appropriate given the single storey scale of the proposed and as such, a juxtaposition on design has instead been adopted where an appropriate reference has been made to the materials used in the construction of the existing but where the introduction of modern materials allows the new builds to be read in context. This approach will neither conflict nor confuse the age of each property.

The materials chosen complements the Conservation area and provides a positive contribution to the locality.'

5. Planning Considerations

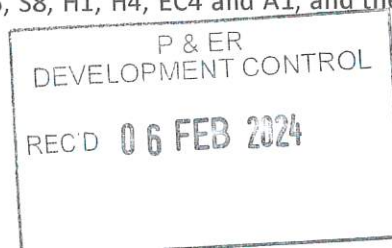
Principle of the Use

- 5.1 When the proposed development is assessed against the main objectives of the NPPF, guidance within the NPPG and the policies of the East Riding Local Plan, the development accords with the overarching aims of the policies of these documents.
- 5.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are a material planning consideration which respectively place a duty on the Council to have special regard to the desirability of preserving or enhancing Listed Buildings and their settings and any features of architectural or historic interest they possess, and to have special regard to the desirability of preserving or enhancing the Conservation Area, which are of greater significance than development plan policies or planning guidance.
- 5.3 The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 11 of the NPPF provides for a presumption in favour of sustainable development. Proposals that accord with the Development Plan should be approved without delay and where it is silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate development should be restricted. The policies within the East Riding Local Plan are compliant with the National Planning Policy Framework and can therefore be given full weight, in accordance with paragraph 215 of the NPPF.
- 5.4 Policy S1 of the submitted ERLP reiterates the presumption in favour of sustainable development which is a core thread which runs through the NPPF. Sustainable development seeks to ensure that proposals meet present needs without significantly adversely affecting the environment for future generations.
- 5.5 Policies S1 and S2 seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserving natural resources, reducing emissions, and to steer development to sustainable locations and supporting the re-use of previously developed land and buildings. To support policies S1 and S2, policy S3 identifies a higher settlement network, to ensure that the right level of development takes place in the right place. Policies EC4 and S8 also include provisions which seek to ensure development is sustainable and accessible and ensure that people and places are well connected, encouraging



integration between different modes of travel, especially walking, cycling and public transport.

- 5.6 The application site is identified as lying within the development limits of Beverley which is identified as a principal town within the settlement network under policy S3. This policy gives support for new development where it is focused within the development limits of the defined settlement network. Principal towns such as Beverley are to be centres of economic development and housing growth and cater for the service needs of significant parts of the East Riding. Residential development of an appropriate scale and character would generally be supported within the development limits of such principal towns. In line with this policy S5 indicates a requirement for 3,300 homes within Beverley over the plan period.
- 5.7 Policy A1 relates to the Beverley and Central Sub-Area and also includes general provisions for housing development to be focussed on larger settlements within the area including Beverley, and for proposals to contribute towards the overall mix of housing in the sub-area including through the delivery of smaller properties. Policies H1 and H4 also include provisions that new residential development should contribute to the overall mix of housing in the locality taking into account the current need, particularly for older people and first-time buyers, and will be supported where they make the most effective use of land or buildings, with policy H4 encouraging a housing density of 30dph to be achieved unless a lower or higher density is justified.
- 5.8 The requirements within these policies are consistent with the aims of delivering sustainable and accessible residential and other forms of development in suitable locations to meet the needs of an area and ensure the vitality of centres is maintained and improved which are core threads which run through the NPPF and in particular within the "Core planning principles", "Ensuring the vitality of town centres", "Promoting sustainable transport", and "Delivering a wide choice of high quality homes" sections.
- 5.9 The property to which this planning application relates is derelict. Its re-use as a dwelling would secure its optimal viable and offer the most sustainable form of development by bringing back into use an existing building. The property does not benefit from parking but its location within the town centre and its proximity to public car parking facilities allows its sustainable use.
- 5.10 The Application proposes to erect 2no. new build dwellings, each with 2 bedrooms. This will allow the existing building on site to undergo the necessary alterations and renovations to allow the Listed Building to be brought back in to use and conserve its heritage features. The works proposed in this application are therefore considered enabling works and as such, should be afforded the appropriate weight in the planning balance.
- 5.11 The proposed new dwellings being both 2 bedrooms support the housing mix of the local area where larger houses are prevalent. The single storey dwellings will provide the opportunity for older occupants who wish to remain independent in a secure, central location, the opportunity to remain homeowners. Access will be taken through a gated entryway from North Bar Within.
- 5.12 The principle of development would therefore be in line with requirements as detailed within ERLP SD policies S1, S2, S3, S5, S8, H1, H4, EC4 and A1, and the "Core planning principles",



“Ensuring the vitality of town centres”, “Promoting sustainable transport” and “Delivering a wide choice of high quality homes” sections of the NPPF as detailed above which seek to direct residential as well as other forms of development to accessible and sustainable locations. These policies, together with the NPPF support sustainable development.

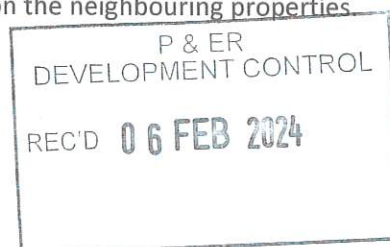
- 5.13 It is therefore considered the principle of this development complies with local and national planning policy.

Access and Highway’s Considerations

- 5.14 Policy ENV1 of the East Riding Local Plan relates to the high-quality design and requires safe access, movement, and use. Policy EC4 looks at sustainable transport and requires that parking within developments should promote the efficient use of space available and the promotion of good design.
- 5.15 The proposed dwellings, along with the dwelling which is being renovated and 38 North Bar Within have no vehicular access. 38 North Bar Within lies adjacent to the highway to the west. The only access to the application site is through a pedestrian passageway which runs alongside of 38 North Bar Within. There is no vehicular access to the site and therefore no provision for parking to serve the proposed dwellings, renovated dwelling or 38 North Bar Within, in the site.
- 5.16 The site does however lie within a highly sustainable location within the town centre of Beverley, close to shops, services, employment opportunities and public transport links. Future occupants would not therefore be reliant on private motor vehicles where there are a range of alternative sustainable transport options. There are opportunities for parking within public car parks along with restricted on street parking are also available within the wider surrounding area.
- 5.17 During the previous application (16/03078), a consultation response was received from the highway’s officer raising no objections to the proposal for 2no. new dwellings and the renovation of the existing building to form a dwelling at the site.
- 5.18 It is deemed that the proposed development would be in accordance with requirements found in particular within the provisions of the ERLP SD policies ENV1 and EC4, and the NPPF, in particular within the *“Core planning principles”, “Requiring good design”, “Promoting healthy communities”* and *“Promoting sustainable transport”* sections.

Impact on Residential Amenity

- 5.19 The application site is located within the long narrow curtilage to the rear of 38 North Bar Within. A former dwelling which is to be renovated which forms part of this property and which is also in the applicant’s ownership lies to the southwest of the site and will be separated from the proposed development by its garden area.
- 5.20 Taking on board the comments received from neighbours in relation to the previous approved application (16/03078/PLF), consideration was given to the design and layout of the proposed scheme and the impact it could have on the neighbouring properties.



- 5.21 The proposed dwellings have been designed to ensure that minimal impact is experienced by neighbouring properties and that the amenity of present and future occupants is protected. The buildings design incorporates the following to reduce impact:
- Single storey building with a roof height of 2.6 m, which is not significantly higher than a fence/wall which would be allowed under permitted development.
 - Separation distances that respect neighbouring properties and retention of existing boundary treatments.
 - Consideration has been given to the placement of windows and appropriate etching of existing windows in the Listed Building to ensure privacy is maintained for present and future occupants of both the proposed dwelling and neighbours.
 - The use of flat sedum roofs and roof lanterns will allow sufficient light into the dwellings whilst protecting the privacy of neighbouring dwellings.
- 5.22 The proposed building would not result in any significant impact on the amenities of the neighbouring properties to the south on Burgess Mews due to its modest height, the degree of separation between the proposed dwellings and these neighbouring properties, and the presence of the existing fence and wall along the border between them. Likewise, the amenities of the neighbouring dwelling to the south which is to be renovated and brought back into use would not be significantly affected due to the modest height of the proposals and their location relative to this neighbour.
- 5.23 The proposed dwellings do not have any windows which would raise loss of privacy concerns to neighbouring properties. Window and door openings are found only on the southeast facing elevation. Although these face towards the neighbouring properties on Burgess Mews, the existing wall and fencing along the border provides screening to maintain a reasonable degree of privacy between the development and the neighbouring properties.
- 5.24 The proposed dwellings are provided with private garden areas, which although small, are considered acceptable in size within this town centre location. An adequate degree of amenity space of a similar size is also retained to serve the dwelling which is being renovated to the west which is also in the applicant's ownership.
- 5.25 Good design requires that development proposals should ensure no undue adverse impact from overlooking, overshadowing or from over-dominant structures. On consideration of the above the proposed development would have an acceptable impact on the residential amenities of neighbouring properties and would provide future occupants of the dwellings with an acceptable degree of residential amenity. This would be in accordance with the requirements for developments to provide a good standard of amenity to existing and future properties found within ERLP SD policy ENV1, and the NPPF, in particular within the "Presumption in favour of sustainable development", "Core planning principles" and "Requiring good design" sections.



Flood Risk and Drainage

- 5.26 The proposed residential development is located within an area of low probability flood zone 1 and is therefore in a sequentially preferable location where development would be generally sought to be focussed on flood risk grounds.
- 5.27 Policy ENV6 of the Local Plan seeks to manage environmental hazards such as flood risk, coastal change, groundwater pollution and other forms of pollution to ensure that development does not result in unacceptable consequences to its users, the wider community and the environment. The National Planning Policy Framework advises that development should be located in areas where there is the lowest probability of flooding. The site is situated in Flood Risk Zone 1, 2 and 3 (see Image 9 below). Given that the use is not considered to be vulnerable, the development proposed is considered to be suitable in this location.

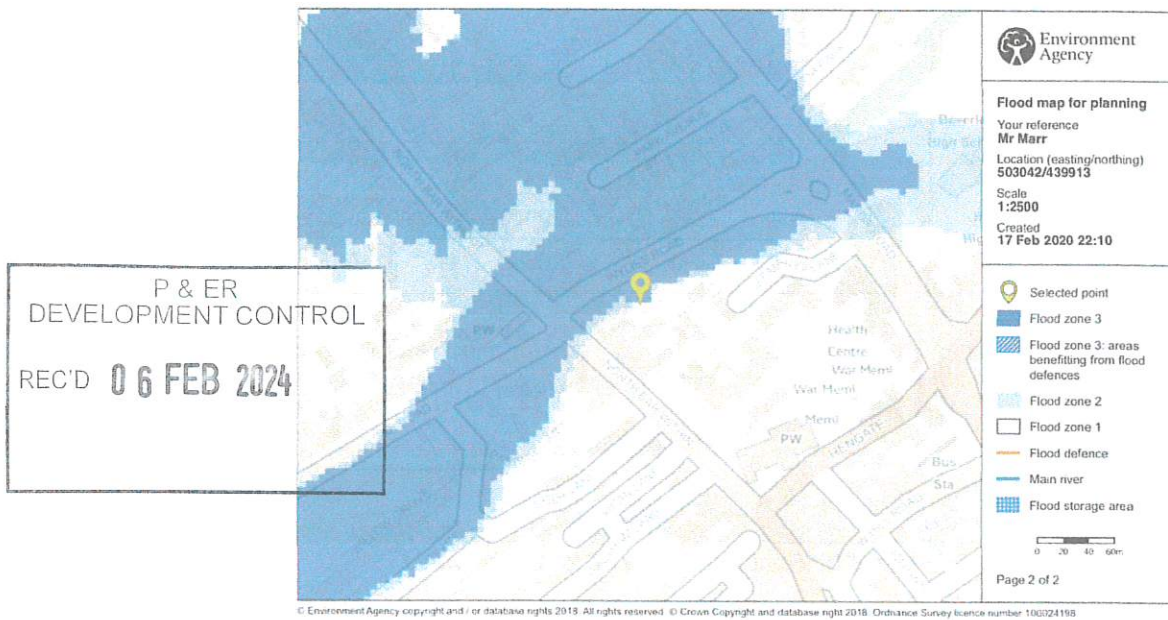


Image 9: Flood Risk (Source: Environment Agency)

- 5.28 Garden areas are proposed for each of the dwellings proposed and these will remain permeable surfaces and as such, will not increase flood risk in the local area. Roof spaces are also proposed as sedum which will support the interception of rainwater and the reduced surface water runoff. Increased levels of water will not be displaced into other areas or neighbouring properties and there will be no increase in flood risk as a result of the development.
- 5.29 The application site lies in an area covered by the public sewerage system. Foul water disposal from the development is to be via a new connection to the existing drains serving 38 North Bar Within which connect to the public sewer in North Bar Within, as shown on the submitted site plans. This means of foul disposal would be the most preferable within the foul drainage hierarchy and would be considered acceptable.
- 5.30 It is considered that adequate means of foul and surface water drainage would be demonstrated, the risk of surface water flooding to the surrounding area would not be increased, and the risk of pollution to the surrounding environment minimised. This would be in accordance with such requirements within ERLP SD policies ENV6 and A1, and the NPPF,

in particular with the “Core planning principles”, “Meeting the challenge of climate change, flooding, and coastal change” and “Conserving and enhancing the natural environment” sections.

Design and Impact on the Character and Appearance of the Area

- 5.31 The application site lies within a town centre location within the North Bar Within Conservation Area. The application also relates to the existing building at 38 North Bar Within, which is Grade II listed. The setting of this site is very varied, with traditional buildings facing North Bar and more modern buildings surrounding.

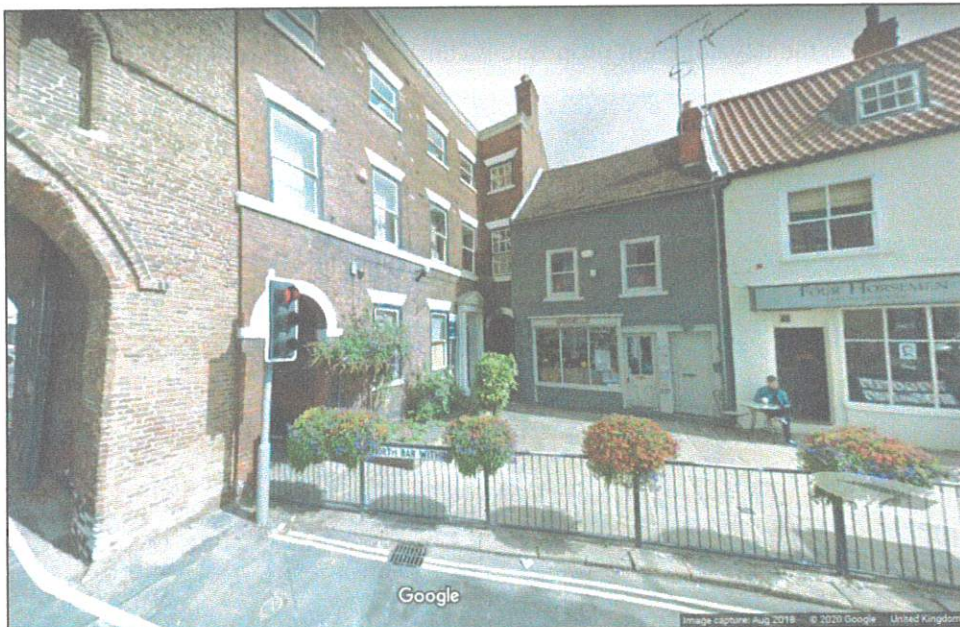


Image 10: Front elevation of 38 North Bar Within

- 5.32 Back land development to the rear of properties fronting the main highways through the town is a characteristic of the area. The density of development on this 160 square metre site, is in excess of the policy guidance 30 dwellings per hectare and is considered to be acceptable in this town centre location and where it is in line with that of its surroundings. The impact on the surrounding area and Conservation Area is therefore limited by the site’s location and it is not considered to significantly impact on these interests. The scale, materials and design of the development sit subserviently and complementary to surrounding development.
- 5.33 The North Bar Within Conservation Area Appraisal identifies the importance of the area as the gate to the town centre with a number of shops being the transitional area between the town’s central core and its suburbs.



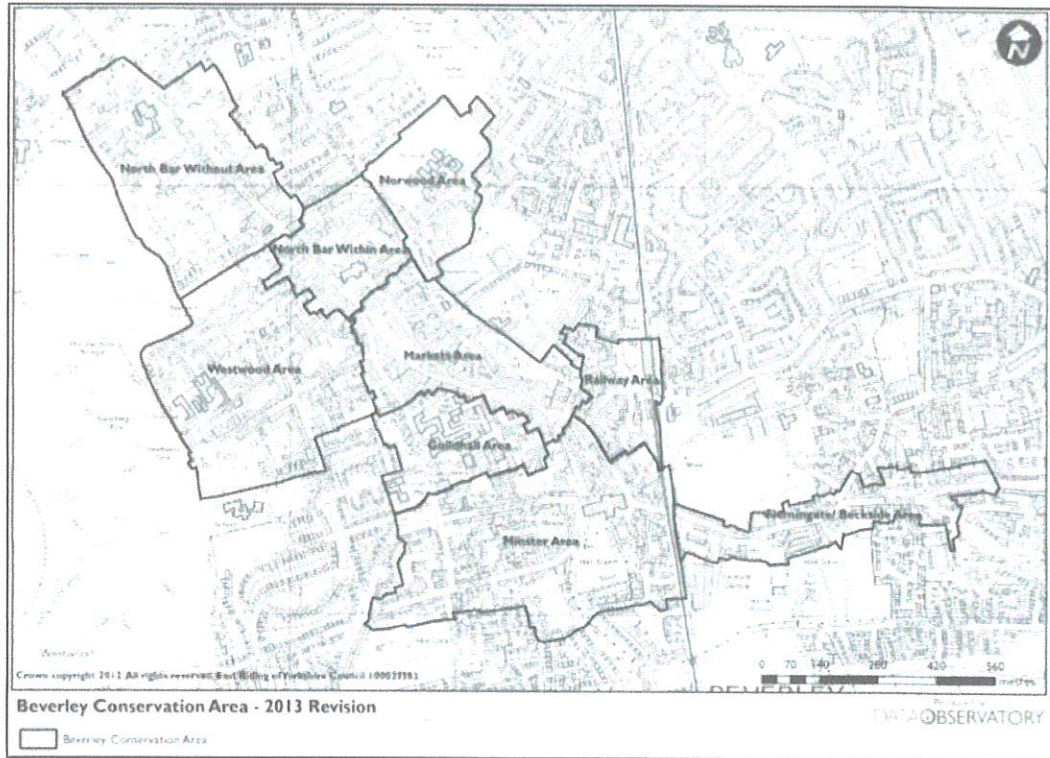


Image 11: North Bar Within Conservation Area

- 5.34 The Applicant has carefully considered the context and the setting of the proposed development. The Architect has designed a scheme that is sympathetic to its context and in-keeping with existing built form.
- 5.35 The majority of the development will not be visible from any public space due to the existing surrounding development and boundary treatments, as the topography of the site.
- 5.36 The Applicant is sensitive to the historic nature of the site and, in relation to the proposed dwellings and works to the Listed Building, these have previously been considered and were deemed acceptable from a conservation perspective with the Conservation Officer stating that the proposal was:
- ‘a scheme which would be relatively low and unobtrusive. It combines modern elements and materials such as cladding and sedum roofs with existing features such as brick walls. This combination will result in something that is unashamedly modern but that complements the setting of the historic buildings and refers to it.’*
- 5.37 The proposed dwellings would represent an acceptable density of development within this back land location and would not conflict with the requirements for proposals to have high standards of design with acceptable impacts on the character and appearance of the surrounding area that are generally found in provisions within ERLP SD policies S1, S3, H4, ENV1, ENV2, ENV4 and ENV5, and the NPPF, in particular within the “Presumption in favour of sustainable development”, “Core planning principles”, “Delivering a wide choice of high quality homes”, “Requiring good design” and “Conserving and enhancing the natural environment” sections.

6. Heritage Assessment

- 6.1 The site lies in a sensitive location with regards to heritage, being located within the North Bar Within Conservation Area. This section of the statement identifies the heritage significance of the site, assesses the impact of the proposals on the heritage resource and addresses the public benefits and justification for the proposal.

Legislative Framework

- 6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the Secretary of State to compile lists of buildings of special architectural or historic interest.
- 6.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4 Section 69 of the Act imposes a duty on local planning authorities to designate as conservation areas any area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.
- 6.5 Section 72 of the same Act also states that 'Special Attention' should be paid to the desirability of preserving or enhancing the character and appearance of a conservation Area.

Planning Policy Background

- 6.6 Planning law requires that applications for 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.
- 6.7 Relevant to the consideration of this application are two non-statutory Historic England documents namely, Managing Significance in Decision taking in the Historic environment (2015) and Conservation Area designation, Appraisal and Management (2016).
- 6.8 The submitted Planning Statement which accompanies the planning application sets out in full the planning policy background, including policies of the adopted development plan for East Riding.

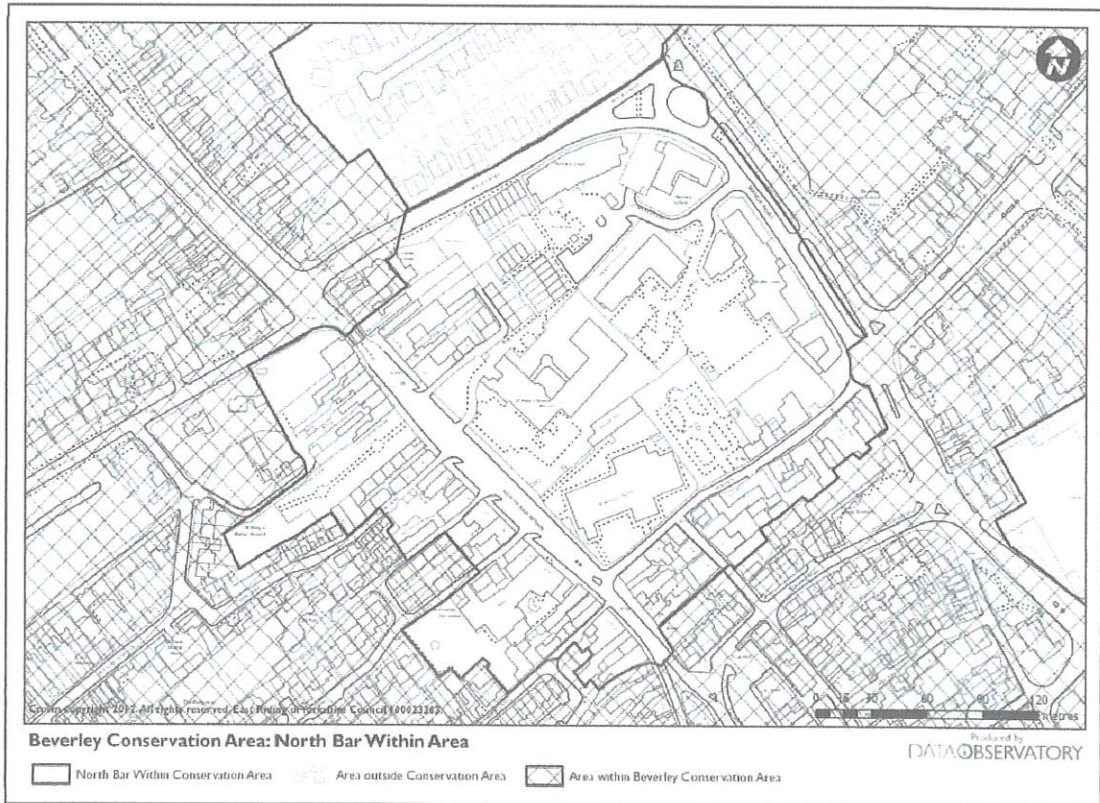
Description

- 6.9 The application site lies within the North Bar Within Conservation Area and in the curtilage of a Listed Building. The extant Conservation Area Appraisal was adopted on the 3rd of April 2013.
- 6.10 Within the North Bar Within Conservation Area, there are currently 50 Listed buildings, and it was last reviewed for listing purposes in July 1987. The Listed Buildings within North Bar Within Conservation Area are located along Hengate, Ladygate, North Bar Within and Vicar



Lane. There are relatively few unlisted and sensitive buildings in the area. There are however good examples of successfully converted and renovated buildings.

Image 14: North Bar Within Conservation Area



- 6.11 Most buildings are however built of local red brick. Some of the earlier examples retain brick tumbling in their gables, such as at number 13 North Bar Within and number 5A Hengate. Some of the brickwork is painted or rendered and adds variety and a sparkle to the street scene.
- 6.12 Roof finishes are either clay pantile or plain tile on steeper roof slopes, with natural slate on later and shallower pitched roofs. Plain tiles were an earlier form of pantile and are now quite rare in Beverley. Because of this they should wherever possible be carefully removed and reused in re-roofing.
- 6.13 The use of slate became far more common from Victorian times onwards, with access to this heavy, usually Welsh material being made much easier following the advent of the railway.
- 6.14 Most roofs have exposed eaves, many with bracketed cornices. An early modillion cornice is to be found at number 23 North Bar Within.
- 6.15 Many properties still retain their chimney stacks and pots. These contribute positively to the character and appearance of the skyline.



Scheme Proposals

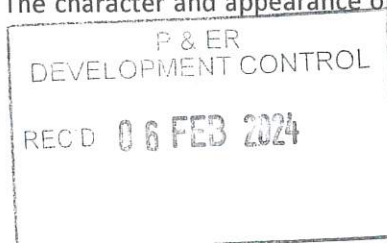
- 6.16 The scheme proposes works to a Listed Building and the erection of 2no. residential dwellings. The proposal would facilitate the necessary works to bring a Listed Building back in to its optimum, sustainable, viable use.

Assessment

- 6.17 'Significance' for heritage purposes is defined as "*the value of a heritage assets to this and future generations because of its heritage interest*" (NPPF Glossary). The process of designating heritage assets (such as conservation areas or listed buildings) identifies them as having a level of significance that justifies special protection measures.
- 6.18 The character of North Bar Within Conservation Area is of part of the early medieval town. At its heart is the limestone Church of St Mary, one of Yorkshire's finest parish churches, which has a splendid urban location and which, because of its orientation, presents a very strong visual image to all aspects of North Bar Within as well as to Hengate.
- 6.19 St Mary's Church had an early foundation in the second quarter of the twelfth century and the parish related to the northern market. The road which ran between St Mary's and the Minster was originally known as the Highgate or Alta Via. The area north of the market was not formally called North Bar Within until the eighteenth century. However, the ward was called by that name and individual houses were often described as lying 'within the north bar'.
- 6.20 Wylies Road was created in 1960 and Manor Road was widened in 1969. Since then, large grounds of St Mary's Manor House have been redeveloped with housing blocks, Health Centre and Nursery School. The house itself has also been significantly extended and subdivided. The Conservation Area Appraisal identifies that '*There are, in effect, now two parts to this Area – the historic and the modern.*'
- 6.21 The application site lies within the area described by the Conservation Area Appraisal as '*the modern*' and as such, appropriate weight should be attributed to its significance. It is important that disproportionate weight is not attributed to non-significant elements of a Conservation Area which may detract from the significance of other elements.

Impact on Significance

- 6.22 '*These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*' (NPPF, paragraph 184).
- 6.23 The proposal seeks permission to introduce 2no. new single storey dwellings into the back land residential amenity area of a Listed Building, along with the renovation of the listed building to form a dwelling.
- 6.24 The overall impact of the proposal will be minimised through good contextual design and sensitive renovation to the existing building. Careful consideration over materials, building heights and design, along with the conservation of the existing fabric will provide to secure the heritage asset into the future. The character and appearance of the Conservation Area will therefore be maintained.



- 6.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires proposals to show 'special regard' to the preservation of listed buildings and their setting. As mentioned above, the application site is near to several Listed Buildings. Given the location of the application site and the factors detailed above, it is not anticipated that the proposal will therefore have an impact upon their setting. There will be a positive public benefit to the Listed Buildings and Conservation Area indirectly as the proposal will provide local employment during construction and the retention of a Listed Building and its return to viable use, securing its future.
- 6.26 *'When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.'* (Heritage Protection Guide, Historic England)
- 6.27 Conservation Areas do not, and should not, preclude new development. New development is necessary in order to preserve the liveability and vibrancy of an historic area.
- 6.28 In accordance with paragraph 196 of the NPPF, any less than substantial harm arising from development proposals should be weighed against the public benefit of the proposal.
- 6.29 The benefits that weigh in favour of the proposed scheme are as follows:
- The enabling works are a significant benefit and should be afforded the appropriate weight.
 - The provision of three dwelling houses within the appropriate location of Beverley, although limited in number, is still a consideration as a public benefit, especially given the house types proposed.
 - A fourth public benefit involves the economic benefits that are to be found through the construction of this proposal. The works proposed will require local craftspeople and builders (some of whom may include heritage craftspeople) in order to undertake the work. This will involve economic benefits to the local area that, following construction, will be continued through the economic benefits as a result of having additional occupants in this location.
- 6.30 The development would therefore accord with the requirements in relation to the preservation and enhancement of heritage assets in the form of Conservation Areas and the setting of Listed Buildings found within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, ERLP SD policies ENV1, ENV3 and A1, and the NPPF, in particular within its *"Presumption in favour of sustainable development"*, *"Core planning principles"* and *"Conserving and enhancing the historic environment"* sections.



7. Conclusion

- 7.1 While the proposed development lies within a Conservation Area, the site is within a back land location where views into and out of the site are limited.
- 7.2 The proposal would allow the necessary works to the Listed property immediately to the rear of 38 North Bar Within, to bring the building back into its optimal viable use as a residential dwelling (for which it had previously received planning consent). The currently derelict property requires extensive works and the renovation of the Grade II Listed property is of significant public benefit and these enabling works should therefore be given relevant weight in the planning balance.
- 7.3 In terms of its scale, design, appearance, and siting the proposed development for 2 dwellings would have an acceptable impact on the character and appearance of the surrounding Conservation Area, and on the character, appearance and setting of the adjacent Listed Building and other Listed Buildings in the vicinity. The development would be acceptable in terms of residential amenity to existing residents in the vicinity and future residents of the development, highway safety, and upon the local environment. The development would also be acceptable in terms of its risk to and from flooding.
- 7.4 As such the proposed development is considered to accord with these general requirements within the requirements of the relevant policies relating to these matters within the East Riding Local Plan Strategy Document, the National Planning Policy Framework, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

