

COMMITTEE REPORT

Date: 5 January 2017 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 16/01647/LBC
Application at: The Clock Tower Bishopthorpe Road York
For: Refurbishment and sub-division of former Clock Tower and Boiler House to form 22no. apartments and Museum Space with associated car parking, landscape works and access from Bishopthorpe Road
By: Mr Andrew McMurtrie
Application Type: Listed Building Consent
Target Date: 6 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. Planning permission and Listed Building Consent are sought for the conversion of the premises into 22 apartments with 6 one bed room, 9 two bed room and 7 three bed room units with a modest roof level extension on the north side. The scheme has been amended since submission to reduce the scale and massing of the proposed roof level extension and a viability assessment has been submitted in respect of the range of possible uses for the site.

1.2 A hybrid planning permission ref:-09/01606/OUTM has previously been granted which envisaged a mix of business uses occupying the building and the adjacent liquor store.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Listed Buildings: Grade 2; Terry's Of York Clock Tower Bishopthorpe Road

2.2 Policies: CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 The building is on the “Heritage at Risk” register. Unfortunately no commercial or leisure occupier has been found to “save” the building in spite of a long and extensive marketing exercise. The height and configuration of the accommodation, its location within the body of the site, and the cost of essential repair-work have been cited by potential occupiers as reasons for lack of viability for a commercial or mixed use scheme. The over-riding consideration is finding a new use that would sustain the heritage significance of the building. We support the proposals for residential use, including the simplified extension, as being the optimum viable use for the building consistent with the principal heritage values. Whilst the conversion would cause harm to the interior of the building through its subdivision and some harm through alteration of the elevations, the buildings primary significances - its architectural character and role as the former engine-house and clock-tower of the site - would be preserved. The scheme would “rescue” this “building at risk” which is a much valued and prominent York landmark.

EXTERNAL

Historic England

3.2 No objection to the proposal as amended with the removal of the previously proposed roof terraces and urges that the applications be determined in accordance with the Authority's own Conservation advice.

Association for Industrial Archaeology:-

3.3 No objection to the proposed scheme as amended subject to the detailed recording of the interior.

Twentieth Century Society

3.4 Objects to the proposal on the grounds that it would adversely affect the existing rhythm and harmony of the pattern of fenestration and the design of the proposed extension would be alien to the existing composition by virtue of its scale, massing and palette of materials. Concern is also expressed in respect of the potential impact upon the surviving clock features.

Council for British Archaeology

3.5 Raise concerns in respect of the level of information submitted with the application and the level of analysis undertaken in respect of the significance of the building. Concern has also been expressed in terms of the level of recording of the historic fabric and in respect of the scheme itself in relation to the proposed alterations to the pattern of fenestration and the installation of a cathode ray protection system for the structural steel work.

The Ancient Monuments Society

3.6 Supports the position taken by the Association for Industrial Archaeology.

York Conservation Area Advisory Panel

3.7 Raises concern in respect of the lack of incorporation of alternative business or community uses on the site as envisaged in the original hybrid planning permission. Concern is also expressed in terms of the proposed alterations to the pattern of fenestration.

York Civic Trust

3.8 Objects to the proposal on the grounds that it would harm the character and significance of an iconic Listed Building and insufficient consideration has been given to the range of non-residential alternatives including public access envisaged in the original permissions.

Micklegate Planning Panel

3.9 No comments received.

Publicity and Neighbour Notification:-

Publicity and Neighbour Notification

3.10 Six letters of objection have been received raising the following planning issues:-

- Concern in respect of the proposed alterations to the pattern of fenestration;
- Concern in respect of the proposed access arrangements to the clock and clock chamber;
- Concern in respect of the level of information in terms of impact upon the historic fabric submitted with the application;
- Concern that the proposal would erode the historic character and significance of the building and its neighbours;
- Concern that insufficient consideration has been forthcoming to alternative non-residential uses of the site;
- Concern that the site should be maintained as a visitor attraction.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

Impact upon the historic character and integrity of the Listed Building.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

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

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.3 Section 16(2) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.4 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework states that In determining planning applications, 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 positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Paragraph 134 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 securing its optimum viable use.

4.5 Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Policy HE4 of the 2005 draft local plan states that consent will only be granted development within the immediate vicinity of listed buildings, external alterations or change of use

where there is no adverse effect on the character, appearance or setting of the building.

4.6 The Clock Tower comprises a substantial Grade II Listed brick structure with art stone detailing dating to the early 20th Century. It is one of five structures along with the Multi-Storey Factory, the Liquor Store, the Time Office and the Headquarters Building which have been retained from the original period of chocolate and confectionary manufacture on the site. The building is constructed in a basic Neo-Baroque style with art-stone window surrounds including key block detail, prominent moulded string courses on both boiler house and clock tower and prominent brick pilaster buttresses flanking the corners of the clock tower with moulded swagged art stone heads. The interior adopts a similarly Neo-Classical metaphor with a clearly defined dentilated cornice at ceiling levels. The building was used as a boiler house and chimney to provide power for the initial chocolate manufacturing process and the choice of architectural metaphor represents a clear statement of the confidence of the company.

4.7 It is proposed to convert the building for residential use incorporating 19 two and three bedroom apartments within the existing building and a further three within the northern roof top extension which would be executed in structural glazing. A museum and viewing area would be provided within the clock chamber and a series of roof level terraces would provide a degree of amenity space. Structural reports and a viability report have been submitted to support the application.

4.8 The structural reports indicate a number of serious problems with the building that need urgent rectification in order to secure its future. The clock mechanism itself is missing, the clock face has been vandalised on the north side and the western elevation of the clock tower and boiler house is subject to serious cracking and differential settlement. This has in part been caused by the basement to the tower and boiler house being badly located relative to the overlying superstructure with the rear wall of the tower not being adequately supported. The associated viability/marketing report indicates significant immediate and on-going costs in terms of repairing and securing the future of the building which the marketing information clearly indicates would deter any business use contrary to the requirements of the earlier permissions.

4.9 The proposal has been amended since submission to alter the pattern of fenestration to deal with concerns in respect of an increase in the number of openings and alterations to the existing windows also to the lessen the scale of the proposed northern roof level extension. The ground floor extension initially proposed at the west end would be removed. Sections of the internal Neo Baroque string course would at the same time be exposed to view. The new and altered window openings would be designed with art stone surrounds to match the existing. The proposed roof terraces associated with the roof level extension would utilise a section of the existing roof rather than be a formalised element of the new work.

The roof extension has been redesigned to express the vertical cladding joints to ensure that it is noticeably read as a separate construction. The internal brickwork and architectural ceramic within the entrance hall would also at the same time be cleaned.

4.10 The building's proposed conversion to residential use would sustain the historic, aesthetic and communal significance of the building. Almost all of the earlier evidential value of the interior of the building comprised in the boiler and generator machinery which formerly lay within has been lost since the cessation of chocolate and confectionary manufacturing activities in 2006. The interior now comprises a large, lofty open space. The evidential significance provided by that open space with its associated finishes would be lost over much of the interior although an area within the entrance hall would be left open to enable visitors to read the former character of the space. The decorative dentilated string course would also be retained for view within the abutting apartments.

4.11 Alterations to the character of a listed building require justification under the Act. In this instance justification for the extent of alterations required for residential use has been provided by the outcome of the marketing exercise which has concluded that there is no current developer interest in converting the building viability to other uses potentially less damaging to the interior (such as office or a community use). The unusual size and internal configuration of the building with the lack of external space suitable to provide a parking area along with the compromised structural condition of the building have been seen as significant negative factors in attracting development interest at this time. Although the alterations proposed would be regarded as causing some harm to the interior of the building they do not lead to unacceptable loss of significance overall. The public benefit of having the heritage asset in active use as residential accommodation is regarded as outweighing any material harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community.

4.12 In terms of the balancing exercise required by the NPPF, the amended scheme represents less than substantial harm to the listed building and as such consideration of the Act requires that there will be a strong presumption against the grant of permission. However in balancing the harm to the heritage asset a substantial public benefit in terms of the retention of an iconic building within a viable economic use can be secured, this is considered to outweigh the identified harm. The proposal accords with s.66 and Government planning policy in paragraphs 131-134 of the NPPF as well as local plan draft policy.

PUBLIC ACCESS

4.13 The upper clock chamber has been made over by the applicant to provide a museum and viewing space to provide interpretive material in respect of the

development of chocolate manufacture at the site. Access would be strictly controlled and managed by a duly constituted body. The clock would also be reinstated to the appropriate specification.

5.0 CONCLUSION

5.1 The Clock Tower comprises a substantial brick and art stone detailed Grade II Listed structure with an attached two storey boiler house occupying a prominent location within the Terry's/Racecourse Conservation Area. It formerly acted as a chimney and boiler house to support the manufacture of chocolate and confectionary at the Terry's site from construction in the 1920s until manufacture ceased in 2006. It is felt that the revised scheme addresses the significant concerns that had previously been raised whilst securing the long term future of the building which has an iconic status within the wider City sky line. It is felt that the relevant requirements of the National Planning Policy Framework as well as the statutory duty outlined in Section 16 of the 1990 Planning (Listed Buildings and Conservation Areas) Act have been fulfilled.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME L2 Development start within 3 yrs (LBC/CAC)

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

Drawing Refs:-087-CT-1020-E; 087-CT-1320-C; 087-02-2200; 087-02-2701; 087-00-1420-C; 087-CT-1001-C; 087-00-0020-A; 087-00-0420A.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of conversion works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site.

Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of works on each individual apartment a detailed repair schedule should be provided and this should include proposals for any external cleaning or removal of uncharacteristic finishes. The type and level of cleaning should be subject to agreement of trial areas. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason: - To safeguard the character of the Listed Building and to secure compliance with paragraph 131 of the National Planning Policy Framework.

5 Prior to the commencement of construction of the individual apartments full details of all externally mounted lighting and signage including sizes, design, location and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To safeguard the historic character and integrity of the Listed Building.

6 Prior to commencement of constructional work on the individual apartments a detailed method statement demonstrating how the cathode ray steel work protection system would be fixed within the building and operate across the structural steel work frame shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

7 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of conversion works and the works shall be carried out in accordance with the approved details.

- i) Full details including furnishing and interpretive materials with sections at 1:20 of the clock chamber;
- ii) Full details of the replacement clock mechanism including programme for its restoration to operation;
- iii) Details of windows (shown in context); samples to be provided (with steel for comparison purposes); distribution of opening lights and specification of finished colour to be provided, also window details showing incorporation of vents ;
- iv) Full external details of roof top extension (revised design);
- v) Full details of entrance area including fixtures and finishes (inside and outside);
- vi) New external doors and internal doors in common areas
- vii)Details of external works, including guarding and finishes adjacent to the building at lower ground level.

Reason: So that the Local Planning Authority may be satisfied with these details and to safeguard the character and significance of the Listed Building.

7.0 INFORMATIVES:

Contact details:

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