

COMMITTEE REPORT

Date: 19 January 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01971/FULM
Application at: The Guildhall Coney Street York YO1 9QN
For: Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation
By: City of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 19 January 2017
Recommendation: Subject to the expiry of the consultation period regarding amended plans, and no new planning issues being raised, delegated authority be given to Approve subject to conditions.

1.0 PROPOSAL

1.1 The Guildhall comprised a substantial Grade II and II* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission (and accompanying Listed Building Consent) is now sought for conversion of the building including; limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building. The application has subsequently been amended to address Conservation concerns raised and a re-consultation of Historic England has been undertaken in respect of the proposed river source heat pump at the south eastern edge of the existing building.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

- Chapter 7 – Design
- Chapter 10 – Flooding
- Chapter 12 – Preserving and enhancing the historic environment

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

2.3 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply to this proposal as it is subject to the more restrictive policies in Section 10 and 12 to the NPPF.

Status of the emerging York Local Plan Publication Draft (2014)

2.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.5 Relevant emerging policies are as follows:

Policy D3: Extensions and alterations to existing buildings

Policy D5: Listed buildings

Policy D7: Archaeology

Policy D9: City of York Historic Environment Record

Policy CC2: Sustainable design and construction

Policy ENV4: Flood risk

Policy ENV5: Sustainable drainage

Policy T1: Sustainable access

Status of the City of York Draft Local Plan (2005)

2.6 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

2005 Draft Development Plan Allocation:

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2.7 Relevant 2005 allocations include:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF
- Flood zone 2
- Listed Buildings GMS Constraints: Grade 2; Lendal Cellars 26 Lendal York YO1 2AG 0613
- Listed Buildings GMS Constraints: Grade 2; 8 Lendal York YO1 2AA 0618
- Listed Buildings GMS Constraints: Grade 1; The Mansion House Coney Street York YO1 1QL 0611
- Listed Buildings GMS Constraints: Grade 2 Star; 14 Lendal York YO1 2AA 0616
- Listed Buildings GMS Constraints: Grade 2; Municipal Offices Coney Street 0614
- Listed Buildings GMS Constraints: Grade 1; The Guildhall Coney Street York YO1 9QN 0427
- Listed Buildings GMS Constraints: Grade 2; York Post Office 22 Lendal York YO1 2DA 0612
- York North West Boundary GMS Constraints: York North West Boundary CONF

2005 Draft Development Control Local Plan policies:

2.8 Relevant development control policies include:

- CGP15A - Development and Flood Risk
- CYGP1 - Design
- CYHE2 - Development in historic locations
- CYHE10 - Archaeology
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYC1 - Criteria for community facilities
- CYSP3- Safeguarding the Historic Character and Setting of York
- CYGP1 -Design
- CYGP15 - Protection from flooding
- CYNE6 -Species protected by law

Statutory duties – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended) – Sections 66 and 72

2.9 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to 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.

2.10 Section 72 requires the Local Planning Authority when determining planning applications within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2.11 Case law has made clear that when deciding whether harm to the listed building or its setting (or the character of the conservation area) was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building or character of the conservation area. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.12 This means that even where harm is less than substantial, the avoidance of such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building or conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

3.0 CONSULTATIONS

INTERNAL:-

Public Protection

3.1 Raises no objection in principle to the proposal but wish to see any permission conditioned to require restrictions on the operating and delivery hours for the proposed cafe and restaurant, the submission of a CEMP in respect of the conversion works and the prior approval of details of plant audible from outside of the site along with details of an odour management scheme for the site.

Highway Network Management

3.2 Consulted with regard to the proposal on 21st September 2016. Views will be reported orally at the meeting.

Strategic Flood Risk Management

3.3 Raises concerns in respect of the availability of compensatory flood storage within the scheme where it incorporates an element of the highest flood risk zone (flood zone 3a).

Planning and Environmental Management (Archaeology)

3.4 Raises no objection to the proposal subject to a detailed archaeological evaluation taking place prior to development.

Planning and Environmental Management (Conservation)

3.5 States the scheme responds to context (with the caveat re north extension), it would improve the internal working environment and would successfully resolve many of the functional and circulation problems inherent in the existing buildings. Some aspects of the original proposals appeared to diminish the historic importance of the building as represented by the civic character of the existing architecture and special fittings. These areas have been reviewed and revised as highlighted (in bold) in detailed sections below. They include:

- South wall of Guildhall new opening
- Guildhall screen and dais;
- Connections between the glazed links and the Guildhall walls (mainly south annex);
- Stair Hall in Municipal Offices new openings;
- Extensions south and north on hutments site

3.6 The scheme is an example of heritage led regeneration and whilst the proposals undoubtedly add value to the site it is vital, both at detailed level and in the layout and management of the site, that the new uses are complimentary to the civic and ceremonial functions of the complex as a whole i.e. including the Mansion House; otherwise the high historic and communal significance of this possibly unique building group would be eroded.

3.7 The National Planning Policy Framework (supported by the Planning (Listed Buildings and Conservation Areas) Act 1990) requires great weight to be given to the conservation of heritage assets and the more important the asset the greater the weight should be. Any harm or loss requires clear and convincing justification.

3.8 Due to the intensified use of the site there will be extra pressure on internal areas and external space. In addition to the schedules, statements and precedent studies provided we would have welcomed further scrutiny of civic and public uses to ensure that they would be protected or improved where deficient (eg means of presentation in Council Chamber). Whilst appreciating that a brief is difficult to devise where the end users have not been identified, further explanation of how the buildings on the site (including Mansion House) might work together to support each other in contested areas would have been welcome as part of the justification for making changes (eg kitchen use, admin base, Member offices supporting

Committee functions, presentations at Committee, security and use of shared spaces and main entrances, servicing, loss of parking, signage).

Planning and Environmental Management (Ecology)

3.9 Initially objected to the proposal on the grounds of inadequate bat survey information submitted with the proposal and inappropriate mitigation measures for two bat roosts known to be present within the building. The earlier concerns have now been satisfactorily addressed and the objection withdrawn.

EXTERNAL:-

The Environment Agency

3.10 Initially objected to the proposal on the grounds of inadequate compensatory flood storage being provided in respect of the proposed cafe and river side garden. The objection was subsequently withdrawn following on from the submission of an addendum to the Flood Risk Assessment indicating how additional flood storage/flood resilience measures could be provided within the site.

Historic England

3.11 Raises no objection to the proposal subject to the intended external treatments and the design of the new build elements being conditioned in detail. Concern has been expressed in terms of the design and location of the proposed river source heat pump and a further consultation has been undertaken in respect of those details. Views will be reported orally at the meeting.

York Civic Trust

3.12 Supports the proposal subject to the detailed conditioning of the proposed external treatments and the design of the new build elements.

York Conservation Trust

3.13 Objects to the proposal on the grounds of adverse impact upon the setting of 14 Lendal, a Grade II* Listed Building, and adverse impact upon the residential amenity of occupants of the upper floor flat to 14 Lendal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the Listed Building Complex;
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- Impact upon the setting of 14 Lendal, a Grade II* Listed Building;
- Impact upon the character and appearance of the Central Historic Core Conservation Area;
- Impact upon Flood Risk in the locality;
- Impact upon the habitat of a protected species;
- Impact upon the residential amenity of neighbouring properties.

NATIONAL PLANNING POLICY CONTEXT:-

4.2 IMPACT UPON THE LISTED BUILDING AND CONSERVATION AREA:- As set out in Section 2 above, the statutory tests that apply mean that where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Whilst Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness, caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Sections 66 and 72 of the 1990 Act.

4.3 DEVELOPMENT AND FLOOD RISK:- Central Government Planning Policy as outlined in paragraphs 102 and 103 of the National Planning Policy Framework indicates that Local Planning Authorities should give particular weight in making planning decisions to the need to ensure that flood risk is not increased elsewhere. A site specific Flood Risk Assessment is required in respect of development in a medium/high risk flood zone and a wider public benefit is required to be demonstrated in order to justify such work.

4.4 PROTECTION OF IMPORTANT HABITAT:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that where significant harm to habitat from development can not be avoided, mitigated against or compensated for then planning permission should be refused.

4.5 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDING COMPLEX:-

4.6 SIGNIFICANCE:-The Guildhall complex comprises a series of conjoined stone and buff brick structures dating to the 14th Century and subsequently occupying a sloping site from Lendal, a principal shopping street to the river side. The complex comprises a mix of Grade II and II* Listed Buildings that have formed the hub of corporate government within the City since the Later Medieval period with the Guildhall itself and the central riverside range surviving from that period. Notwithstanding extensive war time bomb damage a number of good quality Victorian panelled rooms notably within the main Council Chamber still survive. Evidence of earlier building survives within the river side elevation with part of an early bonded warehouse surviving at basement level accessed from Common Hall Lane.

4.7 THE PROPOSAL:- The scheme aims to refurbish the complex to provide a series of event and civic spaces with small office suites, a restaurant and a cafe. The existing unlisted north easterly extension would be partially demolished and a three storey restaurant and office space would be erected between the 18th Century brick built warehouse to the north and the existing Late 19th Century northern Tower range. The new building would be erected in a mix of render panelling with brick work to match surrounding buildings with a standing seam profile metal clad roof. At the same time a series of small scale single storey structurally glazed extensions would be provided at the south of the site to provide a seating area for the proposed cafe and at the north east to provide an updated reception area. A low level river-side garden would be provided at the north western edge of the building with a glass balustrade along the river side. The existing stone-slabbed forecourt would be realigned and brought forward.

4.8 ASSESSMENT OF IMPACT:- The proposal is designed to secure a long term viable future for one of the most iconic buildings of the City Centre. The most significant impact upon the Listed Building complex relates to the proposed northern extension designed to accommodate the proposed restaurant and office suites. It involves the erection of a brick built three storey structure within an area descending to the river bank formerly occupied by temporary buildings. It has an idiosyncratic roof form incorporating a large dormer facing the river frontage with the roof configured in a profiled metal. The extension is designed to be subservient in terms of its scale and massing whilst at the same time making its own contribution to the sky line of the river front. It is however highly prominent in views from Lendal Bridge to the north west against the background of Lendal Bridge House and the adjacent boat house. The degree of prominence has been lessened by reducing the proportion of visible bronze cladding relative to render which more closely matches the adjacent stone building. The brickwork elements of the extension have also been redesigned to more closely blend in with the buildings directly to the north. Impact could be reduced further by reducing the height of the extension and particularly its feature window, and whilst the applicant has raised concerns that this would impact upon internal circulation space, the Applicant has subsequently

agreed to submit amended plans in order to reduce the height. A related issue is in respect of the design of the proposed roof lights through the south wing which has given rise to some level of concern. Their design has also been amended to more effectively pay reference to the existing in terms of their design and number and the pattern of fenestration in respect of the south wing is now felt to be acceptable and would not give rise to any harm to the character or significance of the Listed Building.

4.9 The second element of impact involves the layout of a river side garden below the proposed new building work. This provides a clear parallel and reference to the treatment of the river bank directly opposite off North Street. Concern has been expressed in respect of the use of profiled glass sections as a balustrade material. The scheme has subsequently been redesigned to allow for the provision of a tantalised bronze balustrade whose form and structure would match that of the similar balustrade within the facing North Street Gardens on the west bank of the Ouse. The new design does not give rise to any harm to the setting of the Listed Building or the character and appearance of the Conservation Area. In terms of the riverside elevation concern has also been expressed in relation to the design and location of the proposed river source heat pump at the south western edge of the existing building. Further information has been submitted to clarify its precise location and level of visibility in long and short distance views from the west and north west. It would be located largely within an existing window embrasure and as such is not felt to give rise to any harm to the character and significance of the Listed Building or the character and appearance of the Conservation Area.

4.10 The third element of impact involves the construction of a series of light weight glazed extensions to the south east and north east of the existing complex. These would be light weight in form and subservient to the overall host building in terms of their scale and massing. Some concern is however expressed in terms of the mode of fixing of the glazed elements of the structure to the existing building. The amended submitted details further clarify the relationship between the two elements which would be physically discrete. It is felt that, that element of the proposal would give rise to less than substantial harm to the character and significance of the building and to the wider Conservation Area, subject to being conditioned in detail as to the proposed method of fixing.

4.11 The proposal as amended would give rise to a range of harms to the character and significance of the building in respect of the design and arrangement of the new pattern of fenestration, the design and location of a series of low rise glazed extensions, the construction of a new two storey extension to the north and the design and layout of the river side garden. These harms must be afforded considerable importance and weight within the planning balance in considering the proposal. With the agreement of the applicant to lower the feature window within the new extension it is felt that the degree of harm afforded is less than substantial and it should then be balanced against any substantial public benefit arising from the

proposal. It is felt that the greater degree of public access to and usage of the site together with the substantial new investment to secure the long term economic future of the site would amount to such a substantial public benefit and that the proposal is therefore acceptable in terms of the requirements of paragraph 134 of the NPPF and the exercise of the statutory duties comprised within Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

IMPACT UPON THE SETTING OF 14 LENDAL, A GRADE II* LISTED BUILDING:-

4.12 SIGNIFICANCE:- 14 Lendal comprises a four storey brick built former town house dating to the Late 17th Century converted into a shop in the Late 19th Century. Much of the original pattern of fenestration is retained. As the residence of an important member of the City's merchant community it was designed to have long narrow plot leading to the river side with storage and industrial activities taking place on the water front. It is Grade II* Listed and occupies a prominent location on the river side ridge overlooking the northern section of the development to be occupied by the proposed new build restaurant and office suites.

4.13 ASSESSMENT OF IMPACT:- Concern has been expressed in terms of the impact of the proposed new building upon the setting of the Listed Building which is currently being converted into residential accommodation on its upper floors. The proposed new building lies below 14 Lendal on the river slope but by virtue of its scale and massing the existing view would be partially obscured. The new building would be set a significant distance from the rear of the property and its roof form has been amended in order to lessen the degree to which the view from the river front would be obscured. The building was designed as a high status merchant's house with living accommodation on the street frontage of Lendal with workshops and warehouses, an example of which survives with the adjacent York Boat Yard, on the river frontage. These would have been of a variety of heights and designs with the key views and approach to each property from the road rather than the river side. The utilitarian design of the proposed northern extension with its partially bronze clad roof would take the broad form of such a river side industrial use, however its modern scale and massing and idiosyncratic relationship would give rise to a degree of harm to the setting of the adjacent building that is less than substantial as the principal historic views of the property would only be modestly harmed. The Applicant has agreed to reduce the height of the new building further and has submitted plans that are the subject of consultation at present.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA:-

4.14 SIGNIFICANCE:-The application site occupies a prominent location within the Central Historic Core Conservation Area with frontages both to the River Ouse to the west and Lendal/Coney Street albeit on a much smaller scale to the east. The inter relationship of historic elements specifically the uniform scale, palette of

materials and roof form with the river frontage form a central element of the character and significance of the Central Historic Core Conservation Area.

4.15 ASSESSMENT OF IMPACT:- The proposal envisages the layout of a river side garden, the construction of a series of light weight single storey glass structures to provide a reception area and a sitting area for the proposed cafe use in the south wing. More significantly a three storey brick and render extension is proposed to the north of the existing complex in clear view from the river frontage. The extension has been designed to be subservient to the main complex in terms of its scale and massing but at the same time to make a distinctive contribution to the sky line of the water front. Some detailed concern has been expressed in terms of the detailed design of the fenestration and the chosen palette of materials for the proposed extension. Both the detailed pattern of fenestration, the proposed brick for the lower sections of the structure and the relative proportions of metallic cladding have been amended by the applicant to address the detailed concerns. Lowering of the roofscape and the proposed feature window on the riverside elevation would also improve its relationship with the historic streetscape and relationship with the river frontage, and the Applicant has submitted amended plans to achieve this. On balance, if the height is reduced, it is felt that the amendments to the scheme have ensured that it will give rise to less than substantial harm to the character and appearance of the Conservation Area.

IMPACT UPON FLOOD RISK IN THE LOCALITY:-

4.16 The application site lies astride the boundaries of Flood Zones 1, 2 and 3a) with part of the proposed restaurant and the river side garden within Flood Zone 3a) the most at risk of flooding from river sources. The application has been subject to a detailed Flood Risk Assessment which identifies the proposed mix of uses as less vulnerable as well as identifying a series of flood resilience measures to cover that section of the site within Flood Zone 2. Such measures include the raising of floor levels significantly above the highest recorded flood level in the locality, the use of flood resilient materials and the location of flood vulnerable plant and equipment away from areas of risk.

4.17 An objection was however submitted by the Environment Agency in terms of the potential loss of a significant area of potential storage for flood water within the area of the proposed new build north extension which is also deemed to be the most vulnerable location in terms of flood risk within the site. The area was previously occupied by a series of prefabricated structures dating to the early 20th Century and subsequent to demolition in 2014 has been the subject of preliminary archaeological evaluation to establish the nature and distribution of deposits within the wider site. The loss of this area, which lies partially within Flood Zone 3 as potential flood storage bearing in mind recent severe flooding events in the City has been of significant concern. The applicant has modified the design of the proposed riverside garden in order to give a degree of compensatory storage that can be

easily cleaned and the Environment Agency have subsequently withdrawn their objection subject to any permission being conditioned to require strict adherence to the measures outlined in the submitted FRA amendment.

IMPACT UPON THE HABITAT OF AN ENDANGERED SPECIES:-

4.18 The existing north block of the complex that was built in the late 19th Century and is to be partially demolished as part of the scheme contains two bat roosts which are legally protected. One which is a maternity roost would be lost and would require the relevant licence from Natural England. The second would be relocated within the roof void of the retained section of the former north block. Serious concern has been raised in respect of the relocation on account of the close proximity of the plant serving the proposed restaurant and office suites and the site layout not being beneficial to the bats being able to access their established foraging grounds along the river side. The applicant has amended the scheme to relocate the plant and provide an alternative roosting site within the complex closer to the traditional river side foraging grounds. This is now felt to be acceptable and in compliance Central Government Policy as outlined in paragraph 118 of the NPPF..

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.19 The area surrounding the Guildhall complex comprises a densely developed City Centre area with a wide mix of land uses. To the south and east are a range of high intensity retail and leisure uses including a popular cinema and a number of late night bars and restaurants. To the north are a range of smaller scale leisure and retail uses based in small scale historic properties with residential use retained above. Particular concern has been raised in respect of the visual impact of the proposed northern extension on the amenity of the potential occupants of the flats being created within the upper floors of 14 Lendal. The proposed separation distance of 15-20 metres from the rear of the office/restaurant use in the north block is however not unusual within the locality where much of the pattern of development is at a significantly higher density. There would however be a significant loss of view for the occupants of the upper floors of 14 Lendal who presently are able to gain a clear view of the River and also an oblique view of Lendal Bridge. This would largely be obscured in the event of the development being implemented. Whilst of some concern it is felt that such a loss of aspect would not materially compromise the residential amenity of prospective occupants of the property and that the scheme is broadly acceptable in amenity terms.

PUBLIC BENEFITS OF THE PROPOSAL

4.20 The proposal through the provision of a restaurant and cafe space together with a river side garden would ensure a greater degree of public interest in and usage of the iconic complex of Listed Buildings whilst at the same time providing an

on-going source of economic investment to secure their long term future. At the same time the provision of a series of small and medium sized furnished office suites and meeting spaces would provide a much needed enhancement of employment land capacity within the City Centre.

5.0 CONCLUSION

5.1 The Guildhall comprised a substantial Grade II and II* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission and Listed Building Consent are now sought for its conversion including, limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building.

5.2 Detailed concerns have previously been expressed in terms of the proposed palette of materials for the northern extension, the roof form of the northern extension, the pattern of new fenestration, the river source heat pump along the river side elevation, the design of the balustrade for the river side garden and the mode of fixing of the new glazed extension. Amendments have been subsequently made, and the impact of the amended proposals on the heritage assets has been assessed as amounting to less than substantial harm. The avoidance of such harm is nevertheless to be afforded considerable importance and weight in the planning balance, to meet the statutory duties in respect of the listed buildings and conservation area. (Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990.) It is felt that the test in paragraph 134 to the NPPF is met, as increased degree of public usage of the complex together with the on-going investment to secure a viable economic use would constitute a substantial public benefit that would outweigh the identified harms, even when affording considerable importance and weight to the avoidance of this less than substantial harm to the listed buildings and conservation area.

5.3 Previous concerns in respect of the impact of the proposal upon local flood risk have been successfully resolved as have concerns in respect of the impact upon bat habitat. Specifically, the design as amended incorporates elements of the site specific Flood Risk Assessment which allows for storage of flood waters below sections of the new extension and the inundation of the River side garden. This resolves concerns in respect of public safety for users of the complex and surrounding areas and concerns in respect of flood risk to neighbouring properties. The greater use of and investment in the site would at the same time secure significant sustainability benefits in line with the requirements of paragraph 102 of the National Planning Policy Framework. It is not considered that the impact on views of the river and Lendal Bridge from 14 Lendal gives rise to an unacceptable impact on residential amenity that would warrant refusal of the proposal. The wider

proposal is therefore felt on balance to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Subject to the expiry of the consultation period in relation to the amended plans and no new planning issues being raised, delegated authority be given to the Assistant Director of Planning and Public Protection to Approve subject to conditions including:

1 TIME2 Development start within three years

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

Drawing Refs:-

AL(0)0100.P1 OS

AL(0)0101.P2 Block Plan

AL(0)0200.P5 Existing Site Plan

AL(0)0300.P4 Existing Basement Plan

AL(0)0400.P6 Existing Ground Floor Plan

AL(0)0500.P5 Existing First Floor Plan

AL(0)0600.P4 Existing Second Floor Plan

AL(0)0700.P4 Existing Tower Plan

AL(0)1200.P3 Proposed Site Plan

AL(0)1300.P8 Proposed Basement Plan

AL(0)1310.P4 Proposed Basement Plan - Referenced

AL(0)1400.P14 Proposed Ground Floor Plan

AL(0)1410.P8 Proposed Ground Floor Plan - Referenced

AL(0)1500.P11 Proposed First Floor Plan

AL(0)1510.P5 Proposed First Floor Plan - Referenced

AL(0)1600.P11 Proposed Second Floor Plan

AL(0)1610.P5 Proposed Second Floor Plan - Referenced

AL(0)1700.P11 Proposed Tower Plan

AL(0)1710.P5 Proposed Tower Plan – Referenced

AL(0)1900.P9 Proposed River Front Elevation

AL(0)1901.P7 Proposed North Annexe Elevation From Boat Yard

AL(0)1903.P4 Proposed River Front Elevation In Context

AL(0)1910.P8 Proposed South Range Elevation From Revs Bar

AL(0)1911.P7 Proposed Guildhall Elevation From Common Hall Yard

AL(0)1950.P7 Proposed Section AA - North Range
AL(0)1952.P5 Proposed Section CC - Secondary Entrance
AL(0)1953.P7 Proposed Section DD - South Range Café/entrance
AL(0)1954.P8 Proposed Section EE 1 (north)
AL(0)1955.P8 Proposed Section EE 2 (south)
AL(0)1956.P4 Proposed Section FF
AL(0)1960.P4 Proposed Section JJ - Council Chamber
AL(0)1963.P9 Proposed Section MM - Restaurant
AL(0)1964.P7 Proposed Section NN - North Annexe From Lendal

AL(10)0301.P4 Proposed Basement Demolition Plan: North
AL(10)0302.P4 Proposed Basement Demolition Plan: South
AL(10)0401.P4 Proposed Ground Floor Demolition Plan: North
AL(10)0402.P5 Proposed Ground Floor Demolition Plan: South
AL(10)0501.P5 Proposed First Floor Demolition Plan: North
AL(10)0502.P4 Proposed First Floor Demolition Plan: South
AL(10)0601.P4 Proposed Second Floor Demolition Plan: North
AL(10)0602.P4 Proposed Second Floor Demolition Plan: South
AL(10)0701.P4 Proposed Fire Strategy Plan
AL(10)0801.P4 Proposed Roof Demolition Plan

AL(80)1300.P4 Proposed Basement Fire Strategy Plan
AL(80)1301.P4 Proposed Basement Fire Strategy Plan: North
AL(80)1302.P4 Proposed Basement Fire Strategy Plan: South
AL(80)1400.P4 Proposed Ground Floor Fire Strategy Plan
AL(80)1401.P4 Proposed Ground Floor Fire Strategy Plan: North
AL(80)1402.P4 Proposed Ground Floor Fire Strategy Plan: South
AL(80)1500.P4 Proposed First Floor Fire Strategy Plan
AL(80)1501.P4 Proposed First Floor Fire Strategy Plan: North
AL(80)1502.P4 Proposed First Floor Fire Strategy Plan: South
AL(80)1600.P4 Proposed Second Floor Fire Strategy Plan
AL(80)1601.P4 Proposed Second Floor Fire Strategy Plan: North

AA(0)0100.P1 Proposed South Range WC Block Wall Detail
AA(0)0101.P2 Proposed Guildhall Ramp & Screen Details Sheet 1
AA(0)0102.P1 Proposed Guildhall Glazed Draught Lobby Details
AA(0)0103.P1 Proposed Guildhall & South Range Seating Details
AA(0)0104.P1 Proposed Guildhall & South Range Entrance Details
AA(0)0104A.P1 Proposed Guildhall & South Range Alternative
AA(0)0105.P1 Proposed Guildhall & South Range Slype Details
AA(0)0106.P1 Proposed South Range Café Window Details
AA(0)0107.P1 Proposed Benching Details
AA(0)0108.P1 Proposed Council Chamber Details
AA(0)0109.P2 Proposed Opening within Council Chamber Entrance
AA(0)0113.P1 Proposed River Terrace Balustrade Details

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

3 VISQ7 Sample panel ext materials to be approv

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

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

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

7 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

8 The roof terrace cafe shall be closed to patrons of the premises at 24.00 hours (midnight) and not used between 24.00 (midnight) and 08.00 the following day.

Reason: To protect the amenity of surrounding occupants.

9 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 to 23:00

Sundays and Bank Holidays 09:00 to 18:00

Reason: To protect the amenity of occupants of the new and nearby properties from noise.

10 No outdoor speakers shall be used at any time in association with the approved use.

Reason: To protect the amenity of surrounding occupants.

11 The hours of operation of this approved use shall be confined to 10am to 00:00pm

Reason: To safeguard the amenities of adjoining occupants.

12 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and

mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). The plan should also provide detail on the management and control processes. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/> .

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the area

13 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

14 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

15 A full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. The assessment shall thenceforth be submitted to and approved in writing by the Local Planning Authority and its recommendations shall be fully implemented before the development hereby authorised is first brought into use and maintained thereafter.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 contained within table 2 taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting (GN01:2011).

Reason:- To secure the character and significance of the Central Historic Core Conservation Area

16 A programme of archaeological mitigation, including further evaluation work, excavation, public access & community engagement, post excavation assessment & analysis, publication, and archive deposition is required in connection with this development. The applicant will submit an archaeological project design for

archaeological mitigation on this site. The works set out in the project design shall be approved and discharged in the following 3 stages:

A) No development shall commence until an archaeological project design including a written scheme of investigation (WSI) describing the archaeological project (excavation, deposit monitoring, public access and engagement, post-excavation assessment and analysis, publication and archive deposition) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation, deposit monitoring, post investigation assessment and analysis, report preparation and submission for publication, and archive deposition shall be completed in accordance with the programme set out in the project design and WSI approved under (A). This part (B) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved project design and WSI and have been approved by the local planning authority in writing.

C) A copy of a report or publication of the project shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 12 months of completion of works on site or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The site is of archaeological interest and lies within an Area of Archaeological Importance and the development may harm important archaeological deposits which must be recorded prior to destruction.

17 The works shall be carried out in strict accordance with the FRA Addendum by Burrell, Foley, Fischer, dated 30th November 2016 to include:

- Provision of compensatory storage as detailed in the FRA Addendum;
- The upper restaurant terrace shall be constructed in such a manner that it has free access and egress of flood waters beneath;
- The proposed balustrade shall be designed and constructed in such a manner that it allows the ingress and egress of flood flows.

Reason:- To ensure that the proposed development doesn't displace flood flows on to adjoining land or result in the loss of viable flood storage.

18 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 the development and the works shall be carried out in accordance with the approved details.

*Details including sections at 1:5 or similar of the river side balustrade and works to the existing river wall;

- A detailed illustrated schedule of fenestration;
- Detailed sections at 1:20 or similar of the connections between the newly created external glazed areas and existing masonry;
- Details including detailed sections at 1:20 of the River Source Heat Pump

Reason: So that the Local Planning Authority may be satisfied with these details.

19 No umbrellas or other similar roof coverings shall be used over the extent of the restaurant terrace and other external spaces.

Reason:- To safeguard the character and significance of the Central Historic Core Conservation Area.

20 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in *Section 9.0 Mitigation & Compensation* of the *Biodiversity Report: Bat, Breeding Bird and Barn Owl Survey, York Guildhall, Rev #1 December 2016 by MAB Environment & Ecology Ltd* and any significant variation thereto shall be agreed in writing by the local planning authority before such change is made.

This includes a retained roost in the northern annex (Figure 15, page 40) and new roosting habitat within a raised roof area of the existing building (Figure 17, page 42).

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

21 The following works; demolition of the northern annex and works, including use of scaffolding, on the west face of the northern annex corner tower, as shown in Figure 6 (page 27) of *Biodiversity Report: Bat, Breeding Bird and Barn Owl Survey, York Guildhall, Rev #1 December 2016 by MAB Environment & Ecology Ltd* shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of a European Protected Species.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Details of the proposed flood mitigation works;

Clarification in respect of proposed bat mitigation works;

Modification of the design to minimise impact upon the character and appearance of the Central Historic Core Conservation Area and the setting of 14 Lendal.

2. CONTAMINATED LAND:-

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

3. EXTERNAL AREAS MANAGEMENT PLAN:-

A detailed maintenance/management plan will be submitted to and approved in writing by the Local Planning Authority to cover external areas to prevent silting and

clutter to secure the free movement of flood water.-

4 PROTECTED SPECIES:-

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings were considered suitable for nesting bird activity, and therefore works should ideally start between October and February (outside of the nesting bird season); however, should works commence within the bird-nesting season (1st March and 31st August inclusive) a pre-start nesting bird check of suitable features would be required.

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Contact details:

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