

COMMITTEE REPORT

Date: 17 November 2011 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/02175/FUL
Application at: York City Art Gallery Exhibition Square York YO1 2EW
For: New landscaping and access to York Art Gallery site from Museum Gardens and demolition of hutment buildings.
By: Mr Michael Woodward
Application Type: Full Application
Target Date: 7 October 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application affects the land to the rear (NW) of the York Art Gallery building. The site presently accommodates hutment buildings were introduced during the second world war, and a bowling green which is no longer in use.

1.2 The site is not allocated in the Local Plan for a particular land use. However it is within the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and within the St Mary's Abbey Precinct - which includes the Museum Gardens area, King's Manor and the City Art Gallery. Part of the precinct (which is presently the museum gardens) is designated as a scheduled ancient monument, as are the precinct walls to the St Mary's Abbey which form the north and western boundaries to the site.

1.3 Planning permission is sought for demolition of the hutments and subsequent restoration of the site. The restoration involves extending the existing lawn, installing footpaths around the site including a connection into the Museum Gardens (footpaths to be in a matching material to those in the gardens), and an area of bound gravel immediately behind the gallery. It is intended the area where the hutments are would be used as an outdoor display area for sculptures.

1.4 The scheme has been amended since initial submission. Permission is no longer sought to remove later extensions from the NE side elevation. A temporary solution for making good the elevation following demolition was proposed and it has been agreed this work will be put on hold and an application made when the applicants have a permanent solution for restoration.

1.5 The application (and the companion conservation area consent application for demolition) are brought to committee at the request of Councillor Watson, to consider the historic importance of the hutments.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints:

- Grade 1; St Mary's Abbey Remains Precinct Walls
- Grade 1; St Mary's Tower St Mary's Abbey Remains 0485
- Grade 2; Railings And Gates Fronting Kings Manor 0618
- Grade 1; City Walls St Mary's Tower To Bootham Tower 0611
- Grade 2 ; 10 Bootham York 0613
- Grade 2; City Art Gallery Exhibition Square York 0615
- Grade 2 ; 8 Bootham York 0614

Scheduled Ancient Monuments GMS Constraints: SMR 12A St Mary's Abbey Precinct Walls SE 597520

2.2 Policies:

CYHE3

Conservation Areas

CYHE2

Development in historic locations

CYGP1

Design

CYHE9

Scheduled Ancient Monuments

3.0 CONSULTATIONS

DESIGN AND CONSERVATION

3.1 Officers support the scheme. The wall that separates the site from the Museum Gardens is likely contemporary with the Art Gallery. The forming of an opening within the wall offers the potential for opening up to public access and enabling a greater appreciation of the site as a part of the wider St Mary's Abbey precinct. For comment on the hutments see associated conservation area consent application.

Landscape officer

3.2 The Landscape Works have been revised (Rev.B) by extending the lawn over the 'gravel area'; extending the shrub beds around the corner by the tower, and included some containerised trees. This will give a much more acceptable, softer appearance to the temporary landscape, whilst providing flexibility of use. Details will need to be submitted for approval of the dwarf wall constructions around the two existing Beech trees (at the NE side of the site) since these would need to avoid damage to roots.

ENVIRONMENTAL PROTECTION UNIT

3.3 Officers advise that the removal and disposal of asbestos is covered by its own legislation so it is not necessary to condition as part of the planning process. Officers do recommend conditions to cover potential land contamination due to previous uses, and a management plan to cover noise, vibration and dust during demolition.

ENGLISH HERITAGE

3.4 Officers support the principle of bringing the land to the NW of the art gallery into a positive use, as part of the art gallery, the public realm and as an extension to the existing Museum Gardens. The hutments are deemed to be of some historic and communal value, but their continued use is compromised by their high asbestos content and poor condition. Their removal is compensated for by the public benefits and enhancements to other heritage assets and as the hutments will be subject to a recording and report of their history. EH recommend that the landscaping works at the rear of the gallery are temporary in nature at this stage, so the alterations do not compromise long term change and enhancement of the gardens.

3.5 Officers also supported the proposals to remove the later extensions from the NE side of the gallery. However officers could not support the proposed method of making good, which would have seen the installation of temporary timber panelling. This temporary solution would cover up original features and be visually unsatisfactory, failing to support the architectural dignity and civic character of this important public building.

GUILDHALL PLANNING PANEL

3.6 Support the application.

SAFER YORK PARTNERSHIP

3.7 Support the application. Officers advise that the area to the rear of the Art Gallery has for many years suffered from problems associated with the misuse of drugs and the discarding of drugs paraphernalia. The huts it is proposed to

demolish have generated problems in respect of burglary as well as issues around 'rough sleeping'. It is considered the scheme will effectively eliminate these problems.

PUBLICITY

3.8 One objection has been received which raises the following issues:

- No consideration given to the preservation and reuse of the hutment buildings. These are a rare survival in an urban setting, which should be re-used. There is deemed inadequate justification for demolition and the replacement landscaping would be 'uninspiring'.
- The hutments are not unduly compromised by asbestos, with asbestos only in the roof sheeting and added cladding. It is asked if any of the hutment structures could be relocated to Eden Camp.

4.0 APPRAISAL

4.1 Key Issues

- Impact on heritage assets
- Security, crime and disorder
- Bowling green

Relevant policies

4.2 PPS5: Planning for the Historic Environment makes a presumption in favour of conservation. Alterations must be justified. However it also recognises that intelligently managed change may sometimes be necessary if heritage assets (listed buildings, conservation areas) are to be maintained for the long term. In determining applications local planning authorities should weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

4.3 Part HE9.4 of PPS5 advises that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- recognize that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

4.4 The hutments are not listed but being in a conservation area PPS5 regards them as a heritage asset. As such their historic interest is a material factor in determining whether their retention is necessary. Part HE12 of PPS5 advises that where the loss of the whole or part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. Part HE9 advises that where an element does not positively contribute to its significance, LPA's should take into account the desirability of enhancing or better revealing the significance of the World Heritage Site or Conservation Area, including, where appropriate, through development of that element.

4.5 Of the policies in the Local Plan relating to the historic environment HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. HE9 advises that proposals which would adversely affect scheduled ancient monuments will not be supported.

4.6 Local Plan policy GP3 advises that crime prevention is a material planning consideration and identifies measures which should be considered in developments in order to create safer environments.

Impact on heritage assets

4.7 The buildings it is proposed to demolish are pre-fabricated structures introduced during the 2nd world war. They are of concrete construction with sheet metal roofing. The buildings are in a dilapidated state and contain asbestos. The buildings are of no architectural interest and visually detract from the area. The hutments are also presently vacant and have been subject to rough sleeping and break-ins. The removal of the hutments presents an opportunity to visually enhance the land behind the gallery, grant public access and add to the facilities offered by the gallery. Due to their original use the hutments have a level of historic interest, providing an understanding of developments during the war. However such buildings were erected on an ad-hoc basis and will not have been intended as long-term installations, hence many have subsequently been removed.

4.8 It is proposed that following removal of the hutments the existing grassed area will be extended, allowing the site to be used as display space. The new footpaths would be of a matching surfacing material to those in the Museum Gardens. Large scale details of the opening in the wall, which will allow passage between the gardens and the application site are required, although this can be dealt with as a condition. The demolition is the first phase of plans to improve this area, and it is

likely future proposals will involve some opening up of the rear elevation of the gallery and possibly further landscaping of this area. The works would adhere to Local Plan policies, in particular HE2 and HE9 as there would be appropriate enhancement of the area.

4.9 The English Heritage guidance note to PPS5 lists heritage benefits, which can justify any harm to heritage assets. Securing the optimum viable use of a heritage asset in support of its long term conservation, and making a positive contribution to economic vitality are benefits which would apply to the City Art Gallery in this case. In addition there are public benefits in that the site will be brought back into use, open to public access and the setting visually enhanced. The harm is limited; the hutment buildings were intended as temporary and presently detract from the historic setting yet they do have some historic interest. Their removal is justified due to the overall benefits of the proposals. In accordance with PPS5 a recording of the buildings prior to demolition will be required as a condition of approval.

Crime and disorder

4.10 The hutments appear to have been a desirable location in the past for rough sleeping, due to their vacancy. Demolition would remove this problem. There are no proposals to increase the height of the wall to King's Manor. There is inadequate justification for such works. King's Manor can already be accessed during the daytime from the Exhibition Square entrance. The Museum Gardens would be closed at night, as per the existing situation.

Bowling Green

4.11 Officers understand the (north) bowling green onsite is no longer in use. There is another bowling green in Museum Gardens but previous users of the north bowling green have been relocated to Clarence Gardens. Colleagues in leisure services are content that alternative facilities are available in the area and the loss of the bowling green has not been objected to.

5.0 CONCLUSION

5.1 The scheme is supported. The changes are welcome as what is presently a derelict site will be brought into active use and visually enhanced. The proposals will enhance the setting of the St Marys Abbey Precinct make a positive contribution to the economic viability of the City Art Gallery, and increase public access to the area. These benefits outweigh any harm caused by the removal of the hutments.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 Prior to demolition of the hutments an annotated photographic record of the buildings to be demolished (interior and exterior) shall be submitted to and approved in writing by the Local Planning Authority. The approved record shall be published in accordance with recommendations in part HE12 of PPS5: Planning and the Historic Environment.

Reason: To record and advance understanding of the historic development of the site before the buildings are demolished in accordance with PPS5: Planning for the Historic Environment.

3 Following demolition the site shall be restored as shown on the proposed landscaping scheme; drawing GHA 1101 10 06B.

This scheme shall be implemented within a period of six months of the completion of the demolition. 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: In the interests of the appearance of the conservation area.

4 Large scale details of the ramp, steps, and gate, at the entrance to the Museum Gardens 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.

Reason: To manage the impact/appearance of heritage assets

5 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.

Reason: To ensure that risks from land contamination are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety and health risks.

6 Prior to demolition, a detailed method of works statement identifying the programming and management of site clearance shall be submitted to and approved in writing by the Local Planning Authority and the development carried out accordingly.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

7.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVES

Note that this permission does not give listed building consent or planning permission for demolition of any extensions to the City Art Gallery building.

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets and crime and disorder. As such the proposal complies with Policies GP4, HE2, HE3 HE5 and HE9 of the City of York Development Control Local Plan.

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