

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Guildhall
Date: 21 September 2006 **Parish:** Guildhall Planning Panel

Reference: 06/00724/FUL
Application at: The Judges Lodging 9 Lendal York YO1 8AQ
For: Alterations and refurbishment of existing hotel, restaurant and bar and canopies to rear terrace area
By: Judges Lodgings Ltd
Application Type: Full Application
Target Date: 29 May 2006

1.0 PROPOSAL

1.1 The application for planning permission relates to works that would allow the conversion of bedrooms and suites within this building to self serviced apartments and alterations to the layout of the existing public areas of the building to provide new bar areas. The works that require planning permission include-

- a) The extension of the external rear terrace over a new bar store and plant room
- b) Removal of existing stairs and provision of a new double door access to the rear terrace
- c) The provision of 5 folddown canopies(with integral heating and lighting) over the rear terrace
- d) Modern garage door replaced by new cavity wall and new timber casement window to match 1st floor window above
- e) Hardwood vertical overlapping fencing to perimeter wall of terrace at a height of 1800mm
- f) Metal escape
- g) A change in level and new surfacing to the existing service access to form a main entrance for accessibility purposes
- h) New ramped access to the service wing

1.2 The building is a Grade 1 Listed Building and there is a companion application for Listed Building consent. The building is one of York's most important 18th century town houses and is a landmark building on Lendal. The property has been extended with a later 18th century service wing and further extensions. This property is situated within the Central Historic Core Conservation Area and is now in hotel use.

1.3 The agent has indicated in supporting information that a conventional hotel use is no longer economically viable and that the increased public bar use has resulted for a need for new bar areas. It is intended that private functions could take place at upper ground level on the rear terrace and that the proposed works would result in the loss of 12 letting bedroom with the creation of 6 serviced apartments. It is considered that planning permission would not be required for the change of use to serviced apartments as this use would fall within the same use class as hotel use (Class C1), as defined in the Use Classes Order 2005.

1.4 This application has been referred to the West and Centre Sub-Committee at the request of Councillor Brian Watson because of the degree of alteration to the Listed Building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE4

Listed Buildings

CYGP18

External attachments to buildings

CYHE2

Development in historic locations

CYGP1

Design

CYHE3

Conservation Areas

CYHE2

Development in historic locations

3.0 CONSULTATIONS

3.1 INTERNAL

URBAN DESIGN AND CONSERVATION- Design

The proposals in general work with the listed building, would increase access for people with physical disabilities, and would re-vitalise the inside and outside of this landmark building in Lendal. Conditions required.

URBAN DESIGN AND CONSERVATION- Archaeology

Watching brief required on any groundworks. The site lies in an area which has produced national important Roman and medieval features and deposits. The development sits on top of the medieval churchyard of St Wilfred. These burials lie within and below 15.45m AOD. There must be an archaeological watching brief in all ground disturbances so that any burials, which are disturbed, can be fully excavated.

HIGHWAYS- No objections

3.2 EXTERNAL

Press Advert Expiry Date- 10.5.2006

Site Notice Expiry Date- 3.5.2006

Consultation Expiry Date- 12.7.2006 (following an additional consultation with further details)

GUILDHALL PLANNING PANEL- No objections, but express concern about the proposed awnings to the rear terrace

No other representations have been received as a result of the consultations detailed above.

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy E4, North Yorkshire County Structure Plan- Listed Buildings and Conservation Areas

Policy E5, North Yorkshire County Structure Plan- Archaeology

PPS 1 " Delivering Sustainable Development "

PPG15 " Planning and the Historic Environment "

4.2 KEY ISSUES

- Impact on the character of the Listed Building and the Conservation Area
- Impact on the amenity of the occupiers of the neighbouring properties

IMPACT ON AMENITY OF THE LISTED BUILDING AND CONSERVATION AREA

4.3 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. PPG15 advises that developments intended to stand alongside Listed Buildings should be 'carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy E4 of the North Yorkshire County Structure Plan states that areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area. Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building. As external attachments to buildings can have a significant impact on the character and appearance of buildings, Policy GP18 aims to ensure that any attachments are well designed and integrated so as to not detract from the building or the street.

4.4 The proposed works to this Grade 1 Listed Building are numerous and have been the subject of pre-application negotiations with the Local Planning Authority and English Heritage. The submitted application details have been altered and supplemented with further information on the advice of English Heritage. The works are also the subject of an

application for Listed Building consent. The major external addition would be the extension of the rear terrace alfresco area with the addition of canopies and boundary fencing. It is envisaged that 5 freestanding canopies would be cover the terrace area, fixed to the 1995 terrace structure, and sited a minimum of 1.7m away from the original building. There would be one wall mounted canopy at the lower level fixed to the side elevation of the terrace/bar area. The canopies would be retractable and made of a waterproof canvas and polyester mix. Heating and lighting would be fixed to the canopies. The terrace would be additionally protected from the weather by hardwood vertical overlapping fencing to the perimeter walls to a height of 1800mm which would be fixed to the timber uprights fitted inboard the walling to enable removal at a future date. The canopies due to their scale and siting close to the Grade 1 historic building would have a significant visual impact on the rear facade. The site is reasonably secluded and views of this rear facade are limited to the views from the surrounding commercial premises, where the character of the area is defined by rear servicing areas to the commercial premises to the rear of this urban block. On this basis the proposed canopies would not detract from this character and there would be no significant harm to the visual amenity of the conservation area. Even though the canopies on the terrace would be unattached, there would be an impact on the rear facade of the Listed Building and the views out of the reception rooms on the upper ground floor would be affected. The canopies have been designed to avoid affecting the upper windows. On balance it is considered that the submitted information together with additional information that includes a photomontage of the canopy in relation to the view from the existing dining room, product information on the canopies, heating and lighting, and more detailed drawings would result in a scheme that would be appropriate in this context, subject to the imposition of conditions ensuring that the details of the materials and colour would be of a quality acceptable to this important location.

4.5 Other concerns relating to the ramp to the ground floor self-contained flat and surfacing materials have either been addressed in the further submitted details, or can be conditioned appropriately to ensure that the details would be acceptable. For these reasons it is considered that the proposals would comply with Policies HE2, HE3, HE4 of the Local Plan; Policy E4 of the Structure Plan; and relevant government guidance contained in PPG15 " planning and the Historic Environment. "

IMPACT ON THE AMENITY OF THE AMENITY OF THE NEIGHBOURING PROPERTIES

4.6 The proposed canopies to the rear terrace would allow for greater use of this area in inclement weather. The surrounding properties are generally commercial ground floor properties with upper floors in ancillary use. The only adjacent residential property is a flat within Thomas's Bar. The property at No. 17 Lendal has 10 flats but this property does not abut the site. However, it was included in the consultation exercises for this proposal and no representations have been received from the occupiers of this property, or any other occupiers of neighbouring properties. The existing rear terrace is large and the proposed extension of the terrace to the side would not be an excessive addition, or result in an increase in the level of use that would give rise to a substantial increase in noise and disturbance that would be unacceptable to residents and workers in the area. The proposals include lighting measures with the canopies and perimeter fencing that would result in a significant increase in the lighting above the existing levels. The light coloured canopies would allow a spread of lighting across the extensive terrace area, but this would not overwhelm in the context of this large, open commercial area. The canopies would be retractable and may not be used all the year round. It is therefore concluded that the addition of canopies, fencing and lighting that would enclose this existing external bar area would not intrude or harm the living conditions of any nearby residents especially as the backyard is spacious and commercial in character.

5.0 CONCLUSION

5.1 For the reasons expanded above, it is considered that the alterations and refurbishments to the hotel, restaurant and bar with the erection of canopies to the rear terrace area would be compatible with the historic and visual interest of the Listed Building, would not detrimentally harm the conservation area, and would not detract from the amenity that neighbouring residents and occupiers would expect to enjoy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing Nos. 3679 (60) 01
3679 ((90) 02
3679 (00) 07 A
3679 (00) 08 A
3679 (00) 09
3679 (00) 10
3680 (00) 03

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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, the following samples of shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

- a) Samples of the aggregate and brick to be used for the ramped entrance and surfacing
- b) Samples of the cloth and colour of the canopy
- c) Samples of the material and finish of the framework for the awning

Reason: So as to achieve a visually acceptable appearance.

- 4 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.
 1. To- scale details of the new windows to the new staff accommodation
 2. Large scale details of the ramp to the self-contained ground floor flat

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

- 5 The material to be used for the canopy and awnings shall not be replaced without the prior consent of the Local Planning Authority for a non-approved fabric.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. You are advised that the works also require Listed Building consent which is granted under separate legislation. You are advised not to implement the intended works until you obtain sight of the Notice of Listed Building Consent and the approved plans, and ensure that the development is carried out in accordance with the approved plans and the terms and conditions of the Listed Building Consent.

2. 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-

- a) the visual amenity and character of the listed building and the conservation area
- b) the amenity of the occupiers of neighbouring buildings.

As such, the proposal complies with Policy E4 of the North Yorkshire County Structure Plan; Policies HE2 , HE3, HE4, GP18 and GP1of the City of York Draft Local Plan-Incorporating the Proposed 4th Set of Changes Deposit Draft; and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development " and Planning Policy Guidance Note No. 15 " Planning and the Historic Environment.

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