



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters
- Date:** Thursday, 16 February 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am** on **Tuesday 14 February 2017**

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 20)

To approve and sign the minutes of the last meeting of the Planning Committee held on Thursday 19 January 2017.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 15 February 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officers for the meeting, on the details at the foot of this agenda.

Filming or Recording Meetings

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Plans List

This item invites Members to determine the following planning applications:

a) Proposed Floating Arts Venue, South Esplanade, York (16/01769/FUL) (Pages 21 - 52)

Mooring of Ouse Barge converted to create floating arts venue adjacent to Tower Gardens/Skeldergate Bridge. [Guildhall Ward] [Site Visit]

b) The Guildhall, Coney Street, York, YO1 9QN (16/01971/FULM) (Pages 53 - 84)

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. [Guildhall Ward]

c) The Guildhall, Coney Street, York, YO1 9QN (16/01972/LBC)
(Pages 85 - 104)

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. [Guildhall Ward]

d) Rosti Automotive, Stamford Bridge, The Warehouse, Stamford Bridge Road, Dunnington, York (16/02812/FULM) (Pages 105 - 118)

Extension to existing warehouse.
[Osbalwick and Derwent Ward] [Site Visit]

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy officers named above).

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****TUESDAY 14 FEBRUARY 2017**

Time	Site	Item
10:00	Minibus leaves Memorial Gardens	
10:15	Rosti Automotive, Stamford Bridge Road, Dunnington.	4d
10:45	Tower Gardens/Skeldergate Bridge, York	4a

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	19 January 2017
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters

63. Site Visits

Application	Reason	In Attendance
French House (Antiques) Ltd, North Warehouse, North Lane, Huntington	To allow Members to familiarise themselves with the site which was located in the greenbelt	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
Stockton Hall Hospital, The Village, Stockton on the Forest	To allow Members to familiarise themselves with the site which was located in the greenbelt	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
Brick Farm, Benjy Lane, Wheldrake	To allow Members to familiarise themselves with the site which was located in the greenbelt.	Cllrs Boyce, Cullwick, Cuthbertson, Dew, Galvin and Reid
The Guildhall, Coney Street, York	To allow Members to familiarise themselves with the site	Cllrs Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid
Aviva, Yorkshire House, 2 Rougier Street	To allow Members to familiarise themselves with the site	Cllrs Cullwick, Cuthbertson, D'Agorne, Dew, Galvin and Reid

64. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda. None were declared.

65. Minutes

Resolved: That the minutes of the last meeting held on 14 December 2016 be approved and then signed by the Chair as a correct record.

66. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Planning Committee.

67. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

The Council's Senior Solicitor (Planning) advised Committee Members that the first three items to be considered all concerned proposals for development within the Green Belt. She read out a briefing note which reminded Members of the relevant legal and policy tests which applied to these applications.

68. Stockton Hall Hospital, The Village, Stockton On The Forest, York, YO32 9UN (16/02096/FUL)

Members considered a full application by Mr Terence Warom for the formation of an additional car parking area for 20 vehicles behind an area of woodland adjacent to the existing parking area.

Officers drew Members' attention to paragraph 4.15 of the report which referred to the impact of the proposal on trees. She advised Members that the landscape officer had asked for a revised plan moving development out of the root protection zone and that that plan had been received. In view of this, she proposed that the new plan SK01/16/C revision 4 replaced the proposed car park extension revision C which was listed in condition 2 (Plans).

Members noted Officers recommendation for approval and agreed that the applicant had demonstrated very special circumstances relating to the need for additional car parking on site and that these clearly outweighed the harm to the Green Belt.

Resolved: That the application be approved subject to the conditions listed in the report and the amendment to condition 2.

Amended Condition 2

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

Boundary and car park plan

Proposed car parking SK01/16/C Rev 4 Received 19/01/17

Grassguard installation details

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

Reason: The minimal and certainly less than substantial harm to the conservation area and setting of the listed building must be weighed against the public benefits of the proposal which in this case would be the creation of additional off-street parking which would encourage parking within the site rather than on the public highway. In this instance it is considered that the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures clearly outweigh the harm (even when considerable importance and weight is attached to the preservation of the significance of these heritage assets).

In the circumstances of this case the need for the parking area is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm, such that they amount to very special circumstances. There are also no other material planning considerations that would warrant refusal of the application.

68a French House (Antiques) Ltd, North Warehouse, North Lane, Huntington, York (16/02587/FUL)

Members considered a full application for a single storey extension to the showroom and antiques restoration building to form a furniture storage area.

Mr Stephen Hazell, the owner of French House (Antiques) Ltd, addressed the committee in support of the application. He informed Members that the business had grown year on year and was now the leading supplier of French antiques in the country. He explained that he wanted to continue operating the business from York but needed additional space in order to expand the business and be able to employ more people. He advised the committee that the building would be screened on all sides with existing and proposed new trees. He explained that they had looked to moving to another site but that as a small family business they couldn't afford the logistics of moving to a completely new site in a more expensive location. He advised the Committee that their only option, if the application was refused, would be to transfer the business to Easingwold.

Members noted the reasons for the proposals put forward by the applicant but acknowledged officers views that the reasons put forward as very special circumstances were not special enough to outweigh the harm to the green belt from inappropriateness and harm to openness. Councillor Galvin moved, and Councillor Boyce seconded, a motion to defer the application to give the applicant the opportunity to work with officers to strengthen the reasons which were being put forward as special circumstances.

Some Members were of the view that a local business should be allowed to expand, that this was a relatively modest extension of buildings which didn't look too different to agricultural storage units which could be found on a farm. They

stated that they did not feel that this would cause harm to the greenbelt and acknowledged that that alternate premises of this nature were hard and expensive to come by with additional moving costs. They noted that the expansion would lead to employment of four additional staff.

Some Members, however, felt that the applicant had not put forward special circumstances and that he could relocate his business elsewhere as it did not need to be in a rural location. They noted that the landscaping at the front of the site screened the site from the highway but that the site was visible from the A64 which ran to the East of the site and new development would be visible from there.

After further debate, some Members agreed that the reasons the applicant had put forward constituted very special circumstances but accepted that they could have been articulated more clearly and strongly by the applicant in the planning application. Councillor Galvin withdrew his motion to defer the application (supported by Cllr Boyce who had seconded the original motion to defer).

Councillor Warters then moved, and Councillor Galvin seconded, a motion to approve the application with appropriate conditions on the grounds that the applicant had demonstrated very special circumstances which outweighed the harm to the green belt, with these very special circumstances:

- View of building from A64 would be improved due to additional screening by trees
- Economic benefit - retention of existing business is good for York's economy
- Difficulties in relocating the existing business within the city on grounds of cost
- Expansion would mean employment of 4 additional members of staff
- If business moved out of York, site may become derelict

Officers advised Members that, if approved, relevant conditions would need to be agreed. Members requested that the landscaping condition applied to the lifetime of the development and that the applicant be requested to include native species and evergreens to reduce views of the site from the A64 all year round.

Resolved: That delegated authority be granted to officers to determine the precise wording of conditions to cover the time limit for development; approved plans; materials; highway conditions re redundant access; cycle parking; layout of car parking; drainage; removal of outbuildings; and landscaping, and then to approve the application subject to those conditions.

Reason: Members considered that the applicant had demonstrated very special circumstances which outweighed the harm to the Green Belt, and any other harm, with the very special circumstances as follows :-

- View of building from A64 would be improved due to additional screening by trees
- Economic benefit - retention of existing business is good for York's economy
- Difficulties in relocating the existing business within the city on grounds of cost
- Expansion would mean employment of 4 additional members of staff
- If business moved out of York, site may become derelict

69. Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL)

Members considered a full application by Mr Raley for the siting of three grain silos to be converted for use as holiday accommodation.

Officers provided a detailed updated on the proposals. They advised that, since the report had been prepared, a detailed consultation response had been received from the Authority's ecologist expressing serious concern in respect of the lack of information with the application in relation to impacts upon local ecology and biodiversity arising from the proposal. It was indicated that the surrounding area comprised suitable habitat for both the Great Crested Newt and species of bat whose habitats were protected by law. Paragraph 118 of the National Planning Policy Framework indicated that very substantial weight should be afforded to any potential harm to such habitat in these circumstances and that permission should be refused if

it could not be demonstrated that the harm could be effectively mitigated. Officers confirmed their recommendation that planning permission should be refused for the additional reason that “Insufficient information had been submitted with the application to enable a substantive assessment of the impact of the proposal upon the habitat of protected species and any necessary mitigation to be undertaken contrary to paragraph 118 of the National Planning Policy Framework.”

Officers also advised that a detailed letter had been circulated on behalf of the applicant but felt that this did not address the requirements of paragraph 87 and 88 of the National Planning Policy Framework, in terms of demonstrating a case for “very special circumstances” that would outweigh any harm arising from the development by reason of inappropriateness or any other harm. At the same time the requirements of paragraph 118 of the National Planning Policy Framework in respect of safeguarding the habitat of protected species had also not been addressed.

Lastly, officers advised that they had just received comments from the council’s highways officers who had indicated that the access, which was quite substantial, did not connect directly to the public highway but instead to a public bridleway. There were implications with regard to the maintenance and usage of the bridleway and how that access would operate which could not be assessed on the basis of the information submitted. They therefore proposed that another reason for refusal would be that there was insufficient information to be able to assess the impact of the proposal on the public highway.

Mr Raley of H Raley and Son, the applicants, addressed the committee in support of the application. He acknowledged the council’s position with regard to Green Belt policy but expressed dismay at how this prevented their attempt to diversify. He informed Members that in the last six months, two family friends has been forced to cease trading and that there had been no objections to the proposals from members of the public who were supportive of them. He stated that he was unaware of the points raised by the planning officer but advised that he had been maintaining the bridleway in question.

Officers advised Members that Highway Network Management, as the responsible authority for public rights of way, had stated that they maintained the bridleway.

Members expressed the view that three silos on that site for agricultural use would not be a cause for concern but suggested that when converted to a holiday home, with potential for cars/bikes to be parked outside, could look very different.

Members felt that the application should be deferred in order that the applicant has the opportunity to comment on the reasons which have been put forward by officers for refusal, especially as some of these had only recently been raised.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: In order that the applicant has the opportunity to liaise with planning officers regarding the reasons put forward for the recommendation of refusal, specifically the lack of information available to allow an assessment of the impact of the proposal upon the habitat of protected species and the lack of information available to assess the impact of the proposal on the public highway.

70. The Guildhall, Coney Street, York, (16/01971/FULM)

Members considered a major full application by City of York Council for alterations to and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of the existing south range to provide a cafe and ancillary accommodation, and the erection of an extension on the north side of the complex to form a restaurant and office accommodation.

Officers advised that the applicant had requested that the application be deferred to enable the outstanding concerns in respect of the design of the feature window to the north extension and the alterations to the Grade I Listed Guildhall and the appropriate treatment of its on-going civic use and its substantial contribution to the significance of the building, to be satisfactorily resolved. Officers confirmed they were supportive of deferral for those reasons and therefore recommend that the proposal be deferred for consideration at a future meeting.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: To enable the outstanding concerns described above to be satisfactorily resolved before consideration of the application.

71. The Guildhall, Coney Street, York (16/01972/LBC)

Members considered an application for listed building consent by City of York Council for alterations to and refurbishment of the Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of the existing south range to provide a cafe and ancillary accommodation, and the erection of an extension on the north side of the complex to form a restaurant and office accommodation.

Officers advised that the applicant had requested that the application be deferred to enable the outstanding concerns in respect of the design of the feature window to the north extension and the alterations to the Grade I Listed Guildhall and the appropriate treatment of its on-going civic use and its substantial contribution to the significance of the building, to be satisfactorily resolved. Officers confirmed they were supportive of deferral for those reasons and therefore recommend that the proposal be deferred for consideration at a future meeting.

Resolved: That the application be deferred for consideration at a future meeting.

Reason: To enable the outstanding concerns described above to be satisfactorily resolved before consideration of the application.

72. Imphal Barracks, Fulford Road, York, YO10 4HD (16/02404/FULM)

Members considered a major full application by the Defence Infrastructure Organisation for the erection of a 3 storey accommodation block.

Members noted that an application for a 3 storey building comprising 126 units of living accommodation for the military

had been approved by Planning Committee on 20 August 2015 and were advised that this scheme was for a reduction in the number of living units to 60 in an L shaped building.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The development is required to accommodate military personnel living on site. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan. The Planning circumstances have not changed materially since approval of the larger development.

73. Aviva, Yorkshire House, 2 Rougier Street, York, YO1 6HZ (16/01976/FULM)

Members considered a major full application by Yorkshire House Development One Ltd for the change of use from offices (use class B1) to a 124 bed hotel and 33 serviced suites/apartments (use class C1) and a six storey extension to the rear/southwest.

Officers advised that, since the report had been written, revised plans had been received illustrating the elevational treatment of the proposed extension and the proposed highway works to the vehicular access from Rougier Street. The Conservation Architect was satisfied with the revised elevation details. Highway Network Management raised no objections to the application but made the following points:

- The proposed hotel was ideally situated for guests and staff in terms of sustainable travel (close to the two centrally located bus interchanges and York railway station). Access was to be taken from existing access points; one on Station Road and one on Rougier Street.
- The Rougier Street access was currently subjected to deliveries to The Grand Hotel which had turning space for modest delivery vehicles. Deliveries to Yorkshire House were currently taken by vehicles reversing into the access. Envisaged a notable increase in deliveries to that which could be experienced by the current lawful usage of the site. The application did not offer any proposed turning for

delivery wagons within the proposed site. This access would also serve the lower ground floor car parking area. This was an existing situation. Cars had the required turning within the car park to enter and exit the highway in forward gear. To mitigate the effects on pedestrians/ reversing vehicle conflicts, the applicant had agreed to improvements to this access which may be conditioned.

- The Station Rise vehicular access would lead to car parking and turning for smaller delivery vehicles and cars. The size of vehicles accessing this facility would be restricted to that of the opening allowed above the entrance created by additional floors. This should ensure that vehicles accessing the site would be able to manoeuvre in and out of the site in forward gear into the one way traffic system.
- The car parking accorded with CYC Appendix E parking standards.
- Cycle parking was provided. Sought condition to ensure the cycle stands and enclosure were acceptable and the number of spaces accorded Appendix E minimum number of cycles. Sought following conditions HWAY18 (Cycle parking details to be agreed), HWAY 19 (Car and cycle parking laid out) , HWAY39 (Off site highway works, details required), and Method of Works Statement, and INF1

Officers advised that a further objection had been received which raised the following concerns:

- Objector refers to the book 'The North Eastern Railways Two Palaces of Business' the former NE Railway HQ building (The Grand) is described as a "Palace of Business". The former NER building was located on raised ground so that its height and presence boasted the status of the Railway Company. The objector states that the space to the north of the NE Railway HQ was intended to expose the northern elevation of the building. To fill in the space between The Grand and Yorkshire House with an extension would close off this space.
- Yorkshire House is described as a detractor in the Conservation Area Appraisal. (*Officers advised that Yorkshire House was not identified as a detractor in the Central Historic Core Conservation Area Appraisal*)
- To extend Yorkshire House would create harm to the listed building to the south, to extend it by 6 storeys to create

extra letting rooms to a building proposed for over 100 rooms is unjustifiable. These views are shared by the Conservation Area Advisory Panel and the York Civic Trust. The Committee report concludes that the extension 'causes no harm' do not agree. *(Officer confirmed that the committee report concluded that the proposed extension would result in harm but there were public benefits to outweigh this harm)(No comments have been received from CAAP or the Civic Trust with regards to the revised scheme).*

- There were few listed buildings in the city in a comparably prominent location and the majesty of the NE Railway HQ must be preserved for future generations to admire and enjoy, uncluttered by financially led modern extensions.

Officers informed the committee that Historic England had confirmed that they did not wish to add to their previous comments précised in paragraphs 3.35 to 3.36 of the report.

Officers stated that in light of the revised plan, the officer recommendation was revised to "Approval subject to revisions to Condition 2 (Plans) to include revised plans, condition 3 (Materials) and condition 6 (Landscaping)and additional conditions to include HWAY 19 (parking and manoeuvring of vehicles), HWAY 39 (details required of off site highway works), Method of Works and an additional informative in relation to on site consent to be obtained.

Janet O'Neill of O'Neill Associates addressed the committee. She advised them that she was speaking in objection to the application on behalf of her clients, the custodians of North East Railways (NER) on the grounds of the impact of the proposals on the grade 2* listed building. She confirmed they did not object to the change of use to a hotel but to the proposed extension. She circulated some photos which she explained showed the merits of the NER HQ building and which showed the important space between Yorkshire House and NER HQ and stated that filling in this space with a modern extension would close up part of that space.

Rachel Martin of ID Planning, agent for the applicant, then addressed the committee. She advised Members that they had undertaken a rigorous and comprehensive consultation process which had resulted in many amendments being made to the scheme to address concerns which had been raised, including the removal of the proposed rooftop extension and the reduction

in height of the proposed side extension. She advised Members that there was a market for a high quality hotel in the city and the proposals would lead to an increase in the number of tourists and visitor spend in the city. The proposals would also enhance the public realm of the site and accorded with national and local planning policy.

Some Members raised concern with regard to the loss of employment land and office space and questioned how many more hotels the city could cope with.

Members acknowledged the loss of office space but noted that hotels both created employment and brought people into the city, therefore there was a positive economic benefit in changing to hotel use, which was greater than a conversion to flats. They expressed the view that it was good to see the currently empty building brought back in use and so it could continue to provide some employment use.

Members noted the objections put forward on behalf of The Grand Hotel in relation to the proposed extension but did not concur with them and commented that if the detail of the extension was of good quality, it would improve the site and service area behind it.

Resolved: That the application be approved subject to the amendments and additional conditions listed below and the additional informative.

Revision Condition 2 (Plans)

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

Drawing Number 001 Revision A 'Proposed Design Lower Ground Floor Plan' received 17 November 2016;

Drawing Number 002 Revision B 'Proposed Design Upper Ground Floor Hotel Lobby/Bar/Restaurant' received 05 January 2017;

Drawing Number 003 Revision C 'Proposed Design Typical Hotel Plan 1 - 4 Including Light Void' received 10 January 2017;

Drawing Number 004 Revision C 'Proposed Design Typical Suites Level 5' received 10 January 2017;

Drawing Number 005 Revision C 'Proposed Design Roof Plan as Existing' 05 January 2017;

Drawing Number 006 Revision C 'Proposed Section 001' received 05 January 2017;

Drawing Number 007 Revision B 'Proposed Elevation 001 Elevation 003 received 21 December 2016;

Drawing Number 008 Revision B 'Proposed Elevation 004' received 21 December 2016;

Drawing Number 009 Revision B 'Proposed Elevation 002' received 21 December 2016;

Drawing Number 010 Revision B 'Proposed Elevation 001 Material Information Side Extension' received 21 December 2016;

Drawing Number 011 Revision C 'Proposed Elevation 001 Material Information Roof as Existing' received 05 January 2017;

Drawing Number 012 Revision B 'Proposed Upper Ground Level External Floor Finish' received 05 January 2017;

Drawing Number 017 Revision A 'Proposed Design Site Plan' received 17 November 2016;

Drawing Number 020 Revision A 'Proposed Design Typical Suites Level 6' received 05 January 2017;

Drawing Number 021 'Proposed Elevation 001 Context Levels' received 04 January 2017;

Drawing Number 022 'Proposed Diagrammatic Section Outline Context Levels' received 04 January 2017;

Drawing Number 024 'Proposed Diagrammatic Plan Context Levels' received 04 January 2017;

Drawing Number 025 revision A 'Proposed Design Side Extension Typical Window Detail A' received 10 January 2017;

Drawing Number 1609501b 'Proposed Access Improvements' received 16 January 2017;

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

Revised Condition 3 (Materials)

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 (including details of the balustrades, access ramp, plinth for the outside

seating area, the permanent planters) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

For component repairs and repatching (e.g. removal of escape staircase and making good) a sample and details of the proposed external material to be used shall be submitted to and agreed in writing by the Local Planning Authority, to ensure that it is a good match for the existing. 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. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument.

Revised Condition 6 (Landscaping)

Prior to the first use of the building as a hotel a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the Station Rise/North West elevation shall be submitted to and agreed in writing by the Local Planning Authority. *The scheme shall also include hard/soft landscape details of the upper ground floor/external vehicle parking area, this shall include some soft landscaping.*

The approved 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. The Station Rise/North West elevation is prominent within the Central Historic Core Conservation Area and in key views of the Minister and the city walls (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable.

Additional Condition - HWAY 19

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

Additional Condition - HWAY39

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

(i) Works to include removal of radius kerbs and tactiles and installed dropped crossing in material to complement existing footway as shown in Drawing Number 1609501b 'Proposed Access Improvements' received 16 January 2017.

Reason: In the interests of the safe and free passage of highway users.

Additional Condition - Method of Works

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/ excavation/ preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include at least the following information;

- A dilapidation survey jointly undertaken with the Local Highway Authority
- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- How vehicles are to access and egress the site
- How pedestrians are to be safely routed past the site
- Details of any implications to the highway of demolition and waste removal vehicle operation
- Where contractors will park to avoid affecting the highway
- How large vehicles will service the site
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

Additional Informative

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 278/62 – Michael Kitchen (01904 551336)
Streetworks Special Permission - Stuart Partington
(01904) 551361

Reason: The loss of the office space and the requirement for the hotel is accepted. The proposed 6 storey extension adjacent to the Grade II* listed building (The Grand Hotel) is considered to result in 'less than substantial harm' to the setting of that listed building. . However the economic benefits of the development are cumulatively considered to provide sufficient public benefit to clearly outweigh the less than substantial harm to the setting of the listed building, even when affording considerable importance and weight to that harm, and to the desirability of avoiding it.

74. Chair's Remarks

The Chair updated Members on the outcome of the judicial review relating to the Community Stadium and thanked officers for their support during the process.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 6.00 pm].

COMMITTEE REPORT

Date: 16 February 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01769/FUL
Application at: Proposed Floating Arts Venue, South Esplanade, York
For: Mooring of Ouse Barge converted to create floating arts venue adjacent to Tower Gardens/Skeldergate Bridge
By: Arts Barge Project
Application Type: Full Application
Target Date: 26 September 2016
Recommendation: Refuse

1.0 PROPOSAL

THE SITE

1.1 The application site is on the eastern bank of the River Ouse adjacent to Tower Gardens and Skeldergate Bridge within the Central Historic Core Conservation Area. The old Tollhouse for Skeldergate Bridge is located immediately next to the site and has been converted to a cafe with outdoor seating. The area is close to a number of varied and important heritage assets such as the City Wall (listed at Grade 1), Davy Tower (Grade 11*), Tower Place houses (Grade 11), the late 19th Century Skeldergate Bridge, toll house and walls (Grade 11) and across the River Ouse, the Bonding Warehouse (Grade 11).

1.2 Tower Gardens contains mature trees and the river path forms part of the busy pedestrian link from the car park on St George's Field into the city centre along South Esplanade and King's Staith, or eastwards towards York Castle, or southwards along the planned early 18th riverside promenade of New Walk Terrace.

THE PROPOSAL

1.3 It is proposed to create a permanent mooring for a 1950s barge called 'Selby Tony', to be converted to become an arts and performance venue. Selby Tony is a historic barge that has been used to transport freight from Hull to York on the River Ouse. The barge was purchased in 2013 following fundraising and a series of Arts Barge festivals and events within Tower Gardens and on a hired barge in 2011. The hull of the barge is approximately 31 metres long and 6 metres wide and is moored in dry dock in the Foss Basin for initial welding repairs. The hull would be roofed over to provide an indoor lower deck with a large performance and seating area of approximately 80 square metres served by a bar and kitchen. Ancillary facilities such as WCs, wash up and bunk room would be located in the bow of the barge. A

new housing of approximately 30 square metres would be formed on a new upper deck to contain a ticket control point and/or moveable bar, an additional WC and a platform lift. The deck area itself would remain open as an external seating area. The overall height of the hull and upper deck housing would be approximately 6 metres with the majority above the waterline level.

1.4 The boat would be permanently moored through pilings into the riverbed and would be held on 3no new steel river piles sited 2.5 metres from the bank on which it would rise and fall. The piles would project approximately 6 metres above embankment level. The gangways would take off from a single access point on the embankment.

1.5 Refuse would be stored within the barge and taken off by prior arrangement with a private contractor. Dray deliveries would also remove empty bottles kept in the cellar at the bows of the barge.

1.6 The Design and Access statement explains that the proposal would provide a permanent base for many community arts and performance related events and outreach projects across the range of art forms including (but not limited to) music, theatre and visual arts. The project is run by four founding volunteers, an advisory board and supported by a wider group of artists. An example schedule of a sample week of activities suggests that activities would commence at 7.30 am with yoga/ dance movement wake up or a business breakfast. Day time activities would include school visits, teaching art making techniques, parents and tots “make and play” sessions, afternoon tea dances , “TV dinners” (art house film with dish of the day), book club, and “a play and a pint” (local theatre companies trying out their work in progress in front of an audience). Examples of evening activities include community theatre making, community band (no amplification) visual art making sessions, acoustic jazz and salsa dance band. The example programme suggests activities would cease at 11pm with a closing time of 12pm.

1.7 The application submission details that the Arts Barge Project has a six year track record of delivering social events and activities during which time it has worked with over 500 arts practitioners, reaching total audience figures of over 20,000 with events centred on promoting participatory arts and promoting the work of artists and performers. In addition to providing community arts related events, the project has established an arts therapy service to support vulnerable client groups in York and offer a multi modal Arts Therapies service to York schools. It would offer 12 full time and 3 part time posts and freelance contracts.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Application Reference Number: 16/01769/FUL Item No: 4a

- Conservation Area GMS Constraints: Central Historic Core CONF
- City Boundary GMS Constraints: York City Boundary 0001
- Floodzone 2
- Floodzone 3

2.2 Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 states that the local planning authority shall have special regard to the desirability of preserving the setting which a listed building possesses.

Section 72(1) with respect to any buildings or other land in a conservation area, places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2.3 National Planning Policy Framework (March 2012)

2.4 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYSP3 - Safeguarding the Historic Character and Setting of York

CYSP7B - York City Centre and Central Shopping Area

CYHE2 - Development in historic locations

CYHE3 - Conservation Areas

CYC1 - Community Facilities

CYNE2 - River and Stream Corridors, Ponds and Wetland Habitats

CYNE8 - Green Corridors

CYS7 - Evening Entertainment

CYL4 - Development Adjacent to Rivers

2.5 Draft York Local Plan (2014) Publication Draft – relevant policies include:

- SS4 – York City Centre

- CF1 – Community Facilities
- D1 – Landscape and Setting
- D2 - Placemaking
- D4 – Conservation Areas
- D8 – Historic Parks and Gardens
- GI1 – Green Infrastructure
- GI2 – Biodiversity and Access to Nature
- ENV4 – Flood Risk

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (CONSERVATION)

3.1 Skeldergate Bridge was designed with Tower Gardens around 1879. Its extended stone walls embrace the landscaped area which enhanced the planned 18th Century river walk already in existence beyond the bridge. The river walk was primarily designed for pleasure (promenade) to enable people to escape the city and enjoy the natural environment in a leisurely way.

3.2 The gardens mark a transition zone in the urban fabric and current uses around the area are mostly residential. The proposed new use for the mooring as a permanent performance, arts and entertainment venue would harm the existing character by introducing a use more typical of the city centre into the gardens and residential zone.

3.3 The immediate area is surrounded by a variety of richly detailed historic buildings and structures, including Skeldergate Bridge. Due to its proximity to those heritage assets, its exceptional size and scale, the modern appearance of the proposed high level additions and through blocking the river bank, the proposed barge would harm the setting of those assets and adversely affect views within and across the conservation area.

Further Comments (in response to additional/revised information received)

3.4 The further information supplied does not provide much reassurance on how the commercial activity can be contained especially at night. Whilst the aims of the project are laudable there will be reliance on a degree of commercial activity, with associated deliveries, waste disposal and comings and goings of people. Proposed hours of opening are very long and the effect of the changes on existing diurnal patterns of use in this small garden area is still difficult to judge, especially at night. Existing uses across the river and adjacent to the gardens are now mostly residential and the river area is quite dark.

3.5 The additional photographic visualisation makes the boat look attractive; however it is not a verified view and the actual drawings show an altogether more “boxy” structure on top of the new deck. This structure would be exceptionally close to the toll house and bridge spandrels (within 10m). The shell appears to be of a very rudimentary character in close proximity to the highly decorative bridge and it would affect appreciation of the bridge as it is within its setting. We query whether the masts are required.

3.6 Whilst the hull of the barge is of some historic interest, the superstructure and masts (up to 12m high) would be uncharacteristic of the traditional workmanlike character of the barge. Similar barges shown in the historic photos are quite low lying, and the proposal would be more authentic and have less impact on the setting of the bridge if the upper deck were smaller, or located away from the bridge, and the masts were omitted.

3.7 The bridge would be a fixed structure, not a moveable one in the usual sense of a boat. We have had some reassurance from the architect/agent that people using the gardens would still be able to gain access to the river as the open deck will be made available for anyone to visit regardless of whether they are a client/customer of the Arts Barge or not.

3.8 Additional information provided also sets out reasons why the previously supported location in a wider stretch of the river close to commercial uses would be unfeasible.

Comments received in response to submission of Heritage Statement by Purcell (February 2017)

3.9 The following comments are based on the revised proposal i.e. barge without masts;

Physical impact on appearance (positives and negatives)

3.10 The barge hull only is being reused and by omitting the previously proposed masts the barge would be less compromised as a heritage asset. By adopting the paint colours of the British Oil and cake Mills Co there would also be a minor increase in heritage significance.

3.11 By omitting the masts there would also be a slight reduction in the visual impact of the structure on open views of the small park and Castle area across the river (view 2a) and on the setting of the bridge in general. There would also be less likelihood of the temptation to use the lines for advertising and lighting (note non previously proposed).

3.12 The visual impact of the proposed upper housing still remains a concern as it is proposed as a much enlarged and “box-like” version of a wheel-house, and it would be very close to the toll house itself. None of the images in the report show the actual structure proposed or the proximity and size of the housing in relation to the elements of the bridge. Views of Skeldergate Bridge would still be adversely affected by having a bulky glazed modern housing, albeit with steel structure painted a grey, so close to the toll house. Daytime and night-time views would be affected.

Impact on character of area

3.13 Two aims of the scheme are set out in section 6 of the Heritage Statement. The first one relates to Art activities with which officers agree. The second one relates to providing “*to York residents, visitors and artists an opportunity to engage with the river again*”. This second aim would remove a public benefit i.e. free public access, views and openness between the park, river bank and the river; and replace with private access.

3.14 Disagree with the report where it states that the busy commercial area of public houses, theatre and opera house continues along to the bridge because of the cafe/bar at the Skeldergate Motor House. The cafe/bar area is very small and the openness of the park is unaffected.

3.15 The report contradicts the previous comment where it says that there is a “*discernible difference in character as the open quayside is replaced by the green enclosed space of the gardens*”. The ambience of the park with the grass and mature trees continues the more relaxed and quieter atmosphere of New Walk under the bridge towards the residential block (Tower Place to Peckitt Street). The presence of the city wall provides another visual marker between the openness and urban development along this non commercial riverside path.

3.16 The report refers to potential evening activities amongst which is a focus on “*European cafe culture*”. The extent to which this activity would change the

character of the park is a matter of fact and degree. If approval is granted to this income generating aspect of the scheme, limits on the activity to preserve the ambience of the park and the amenity of nearby residents would be recommended.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.17 No objections

PUBLIC PROTECTION

Comments further to receipt of revised noise assessment

3.18 The anticipated levels of noise likely to arise from the carrying out of live music are now considered to be 90.6 dB(A) Leq inside the proposed arts barge rather than the previous 96.6 dB(A).

3.19 At this level internally, the anticipated level of sound at the nearest residential properties, without any consideration of sound reduction provided by the barge structure itself, would be 56.9 dB(A) at façade. With an open window in the barge it is considered that a sound reduction of at least 10 dB and up to 15 dB could realistically be achieved, thereby resulting in an anticipated sound level of between 42 to 47 dB(A) at the façade of the nearest residential property. Compared to the existing background L90 of 47dB(A) the anticipated level is up to 5dB lower.

3.20 In practice it is likely that the barge structure will provide additional noise attenuation and so the levels would be lower. Within the noise assessment noise levels of 32 dB (A) are predicted when windows are open, which is approximately 13dB lower than the existing background noise levels at the nearest properties.

3.21 As a result, Officers are satisfied that the level of noise arising from live music and people within the barge are unlikely to result in the loss of amenity to nearby residential receptors.

3.22 In terms of noise associated with people noise from the use of external seating, the submitted noise assessment indicates that the noise levels from such use would not result in any loss of amenity, with predicted levels being approximately 9dB below the existing background L90 of 45dB(A).

3.23 Again Officers are satisfied that the noise arising from people seated on the roof of the barge are unlikely to result in the loss of amenity to nearby residential receptors. A condition is recommended to prohibit playing of music externally on the barge and to prohibit use of the external seating areas after 23:00

FLOOD RISK MANAGEMENT

3.24 The Flood Risk Management Team has no objections subject to the conditions requested by the Canal & River Trust (relating to pile details) and the Environment Agency (relating to permit for works within their 8m easement) together with a condition seeking the submission for approval of a robust emergency evacuation plan by our Emergency Planning Team to include measures taken on receipt of flood warnings and the signing up to the EA flood warning scheme.

EXTERNAL

ENVIRONMENT AGENCY

3.25 Provided the proposed development is in accordance with the submitted Flood Risk Assessment, and will rise and fall with the river (and therefore not cause an obstruction to flows) then the Environment Agency has no objections to the application.

3.26 This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ouse, designated a 'main river'.

CANAL AND RIVER TRUST

3.27 Supports proposals that increase the use and enjoyment of the waterways. However, all proposals must ensure that they do not have an adverse impact on the navigational safety of the waterways. As the navigation authority for the River Ouse, our advice is that a suitably worded condition is necessary to address this matter.

3.28 The condition should ensure that the pile details are submitted and approved prior to works commencing in order that it can be demonstrated that the piling system can withstand flows associated with the river. This will help to ensure that the barge and pontoons remain in situ and do not break free from their mooring which could create a navigational safety issue for other river users.

3.29 Recommend that navigation lights are installed on the barge to warn other river craft that are navigating the river at night. Also advises the applicant that they should have procedures in place to manage and remove river borne debris that may become trapped by the barge. An evacuation plan of the barge should also be considered in flood conditions.

CONSERVATION AREAS ADVISORY PANEL

3.30 No objection to the principle of utilising a former barge as an arts facility

however it was felt that its use would detract from the Conservation Area, and the particular residential nature of the area. Concern was expressed about the possible noise pollution from the barge, particularly when being used as a music venue. It was noted that a previous proposal had been to locate the barge adjacent to the North Street Gardens (although associated with additional occasional moorings). It was felt that this would have been a better location.

YORK CIVIC TRUST

3.31 States, the Arts Barge will create a lively and positive ambiance along our river front and will add to the economic and cultural assets of our city. We support the application.

3.32 There are clearly concerns from residents about noise levels and antisocial behaviour. Re the professional noise consultants' report states it does not seem credible that the noise attenuation from the barge to the Bonding Warehouse should be as high as 40dB - attenuation closer to 13dB over this span is contended. The noise estimates should be carefully considered. These issues (noise and behaviour) should be positively addressed by conditions on the consent; and by enforcement of those conditions.

SAFER YORK PARTNERSHIP

3.33 No comments to make in respect of “designing out crime”.

3.34 In respect of the sale of alcohol and the provision of entertainment, these will be discussed when a Premises Licence is applied for.

PUBLICITY

Objections

3.35 There have been 110 objections to the scheme, the majority of which are from local residents who live close by and feel that it will have a detrimental impact upon the quality of their living environment. They object on the following grounds:

Public Disorder

- Outside drinking on the river bank, similar to that experienced at Kings Staithe will lead to public disorder.
- It will cause antisocial behaviour such as drunkenness.
- When the Arts Barge was moored at the Bonding Warehouse there were instances where residents were threatened by drunken revellers leaving the venue.

Flood Risk

- It will be an inappropriate development in an area where high river levels and flooding of the river bank are a regular occurrence, as it will make entering and leaving the site dangerous.
- The street furniture, bins etc associated with the site may be swept away by flooding.

Environmental Considerations

- There are concerns with the methodology used to predict the level of noise that will be generated by the site. It does not take into consideration factors such as how sound travels over water and lack of sound insulation when hatches etc are open for ventilation. Request the Council require further investigation of sound levels, for example, the duration of the noise levels used to give the background reference when compared to the periods of lower and absence of traffic noise.
- There are concerns that if the level of noise generated by the site are above those predicted by the Noise Impact Assessment, no enforcement action will be taken by the council to moderate it.
- The revised Noise Impact Assessment is based on calculations that are now based on a random lower internal music noise level. This is a blatant manipulation of data for the purpose of providing a more palatable 'Assessment'. It is also nonsense to purport that the proposed noise will not be heard over the existing traffic noise. The proposed beat and bass of music in an uninsulated structure floating on hard water, together with the spikes of drunken voices and laughter on deck, are completely different from, and incomparable to, the existing background hum of traffic noise.
- If this application is approved, it is bound to lead to a constant source of environmental complaints from residents about noise nuisance. The Council will look stupid if they have not set noise limits both within the barge and on deck, and they will look even more stupid if the 'predicted' noise levels are exceeded. If this application were to be permitted, then this dB level must be determined now by the Local Planning Authority before any decision is made.
- Tower gardens will become a toilet in the evenings, making it not a nice place for children to play. When previously moored by the Bonding Warehouse people urinated up against the walls of residential properties in the vicinity.
- It will cause a lot of litter.
- There will be an adverse impact by delivery and refuse collection vehicles using and obstructing a popular public riverside path.
- The river banks, pathways and grass areas in Tower Gardens following flooding will be churned up even more by allowing pedestrian access, parking for cycles, delivery vehicles, collection of waste etc. Where will staff cars be

parked? What measure will be taken to ensure they do not end up parked within Tower Gardens?

- If the Environment Agency come up with a plan to build some form of flood defences along the river side to help protect properties in the future, the barge will totally compromise this.

Residential Amenity

- The site is not suitable as it is not compatible to moor an entertainment venue on the river within a residential area. It will be detrimental to the peace and tranquillity of the area.
- The amount of noise it will create will be unreasonable to the residents who live in the vicinity, causing serious harm to their residential amenity. When the arts barge was previously moored by the Bonding Warehouse there was a problem with loud music late at night, and when late night revellers left the venue they tended to linger and make a lot of noise. Music till 11 and 12pm is not for families. Suggest it closes at a much earlier hour to cater for the families and keep the area a quiet residential part of York.
- Temporary events in the area already cause problems. To have a permanent live music venue at this site will be invasive upon the quality of life for local residents. The noise from the temporary Arts Barge Project in Tower Gardens was loud and disruptive, particularly a deep bass which vibrates through properties close by.

Impact upon Character of Conservation Area

- The installation of large new moorings / gangways / signs / the barge itself/ electrical connections, waste pipes, sewerage, bin stores etc will be detrimental to the visual amenity of the conservation area.
- The size of the barge will have a detrimental impact upon the setting of Skeldergate Bridge and the Gate House which is Grade 2 listed.
- It will block the outlook from Tower Gardens and the terrace of Dyls Cafe. When the arts barge was moored at the bonding Warehouse it was an eye sore.

Safety

- It is not compatible with the agenda of making the river a safer place after a number of young people have recently lost their lives after falling into the river. There are health and safety issues / concerns for people leaving the site who are drunk and who could fall into the river and drown.
- The position of the barge so close to the upstream side of a bridge is dangerous should it break its moorings and collide with the bridge, particularly when the river is in flood.

- The size and positioning of the barge so close to Skeldergate Bridge will be an impediment to other river users.

Other Issues

- To describe the venue as an arts barge is considered to be disingenuous as the sale and consumption of alcohol and the playing of live music appear to be the commercial driver for the project.
- Concerns that an area of public river bank will be lost when set aside for seating for a commercial enterprise.
- It will put Dyls Cafe; a family run business in serious jeopardy and threat of closure because it will be detrimental to the ambience that this establishment creates.
- A number of the comments made in support of the application seem to be standardised and we would question the approach that has been adopted by the Arts Barge Project in obtaining them.
- In view of the proposed permanence of the siting of the barge, the application is more a kin to an application to build such a venue. The fact that it is to be situated on the river is irrelevant, an application to construct a new commercial building would take into account matters such as noise insulation to protect adjoining communities and the fact that it is a barge should not mean that a proper assessment of the impact on the associated park and residents along the quayside is avoided

In Support

3.36 There have been 156 responses received in support of the proposal. They raise the following points;

- For some time, there has been no city centre participatory arts venue. The programme proposed by the Arts Barge is not only of high quality, it will complement and extend the range of the arts currently on offer and will make a significant contribution to the cultural and artistic life of York.
- It will provide an alternative, distinctive, interesting and exciting small scale arts venue for the city. It has already brought diverse groups of people together to participate in or be an audience for various cultural events. The permanent venue would consolidate the project.
- It will add to the attractiveness and interest of the riverside. A welcome addition to a grossly underutilised riverscape.
- The Arts Barge project have demonstrated time and commitment to supporting local arts, they have proved they are capable of running well organised and popular events and have a track record of support and involvement from local

residents. It will be good for the city to have a location that is not under the control of a brewery or large conglomerate company from outside the city. The Barge will be run by a collective of arts, music and performance enthusiasts all of whom are from the city of York and have the city's interests at heart.

- The Arts Barge festivals held in the gardens have proved that it is not about drinking to excess but family fun run by organisers that care about the community as well as being part of that same community. It is likely to be used by mature adults and families who are unlikely to disrupt neighbours as they leave.
- By inviting more family groups to make more use of the riverside, it will counter the tendency for the city centre to be dominated by alcohol consumption by large groups. There is currently very little on offer for young families in York in the evenings, when the centre of town becomes dominated by drinking.
- After dusk this area becomes a dark and quiet corner that can feel intimidating and inaccessible, preventing many people from using it to get around. Locating the Arts Barge here would help animate this area making it feel safer and enabling more walkers and cyclists to continue using these routes after dark.
- Increasingly tourists look for places that offer authentic cultural experiences when deciding where to visit. Projects like the Arts Barge offer this type of visitor experience and help keep York relevant as a tourist destination for a new generation of visitors.
- The Arts Barge would provide a new reason for people to visit the Skeldergate Bridge area, and this increased footfall would be expected to have a positive impact on all local businesses and will make a significant contribution to the vibrancy and diversity of the city. It would give a range of people an opportunity to contribute to the local economy.
- There are already numerous boats of all sizes, including big riverside cruises, making their way up and down the Ouse and the Skeldergate area remains a busy pedestrian thoroughfare throughout the day into the evening and well past 11pm. Selby Tony will not add in any great way to increased noise or disturbance over and above what is already there. If you live in a city, you must expect some level of noise.
- As the venue will be contained within the boat, the noise will be well controlled.
- Evidence based research shows that music, dance and drama is used as therapy to rehabilitate vulnerable groups in society - work the Arts Barge has been given grants by the Joseph Rowntree foundation to undertake.

- The site has good access and access arrangements.
- The concept is used in the Netherlands where these barges produce a great environment demonstrating how good it is to meet and share music and dance.
- It will offer opportunities for people to build confidence around the use of the river, how to enjoy the river safely and provide information and education about the history and heritage of the boat and river use.
- The operators and customers of the barge will increase the number of eyes and ears focused on the river particularly after dark. They could provide life saving information to the emergency services and York Rescue Boat.
- It will enhance the area, transforming Tower Gardens from a drab thoroughfare into a landmark destination. It should also help to rejuvenate and enliven this somewhat neglected area of the city.
- At a time of continuing cuts to the Arts, this local project would be a welcome and creative addition to the performing arts scene in York. A group that are prepared to raise the money themselves should be fully supported.
- The location is excellent as it is away from the mainstream drinking and carousing activities of the city and will be a welcome escape from the crowded city drinking bars with loudly amplified music.
- The inventive re use and conversion of a piece of cultural heritage in the form of an old River Ouse working barge is a fitting tribute not to the history of one of the most significant rivers in the U.K.
- The Arts Barge offers the public genuine and affordable access to arts.
- The conversion plans for the Barge itself are innovative and of high quality and when it is finished would add and not detract from the local area.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Principle of proposal
- Impact on Heritage Assets
- Impact on Residential Amenity
- Flood Risk
- Navigational capacity of the river

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 which relate to York's Green Belt and are therefore not relevant to this application. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

Sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.4 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF, March 2012)

4.5 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 requires a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking, but a footnote states the presumption does not apply where more restrictive policies within the NPPF apply – including to designated heritage assets and to areas at risk of flooding.

4.6 Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.7 Section 2 of the NPPF "Ensuring the vitality of town centres" seeks to promote competitive town centre environments and at paragraph 23 states that local planning

authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

4.8 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

4.9 Section 12 of the NPPF relates to the conservation and enjoyment of the historic environment. Paragraph 128 says that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, and the heritage assets assessed using appropriate expertise where necessary. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.10 Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use. However, it should be noted that lawful application of the statutory tests in the 1990 Act requires considerable importance and weight to be given to any harm to a listed building or conservation area, in the planning balance. The exercise is still one of planning judgement but it must be informed by that need to give considerable importance and weight to the desirability of preserving the heritage asset, more weight than if it were simply a factor to be taken into account along with all other material considerations.

City of York Draft Local Plan (2005)

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.12 Related policies are listed in section 2.1 above. However policies considered to be compatible with the aims of the NPPF and relevant to the development are; SP3 (Safeguarding the Historic Character and Setting of York), SP7b (York City Centre and Central Shopping Area), HE2 (Development in Historic Locations), HE3 (Conservation Areas), NE2 (River and Stream Corridors, Ponds and Wetland Habitats), S7 (Evening Entertainment) and L4 (Development Adjacent to Rivers).

Emerging Local Plan

4.13 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (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 planning applications.

PRINCIPLE OF PROPOSAL

4.14 Established in 2009, the Arts Barge Project was formed with an aim to revive York's community arts scene (in the absence of a dedicated Arts Centre) by creating a unique, floating community arts venue in the city centre. Since its establishment, the project has created different ways in which to showcase the work of communities and young people; some geared to residents and others aimed at visitors. The project has established collaborative opportunities across age groups and has delivered a large number of creative events within the city and locality.

4.15 The principle of such a use within the city centre is supported. It is in accordance with the NPPF and the 2005 Draft Local Plan which seek to both enhance the vitality and viability of the city centre and promote the provision of new community facilities in locations which are well served and linked by public transport and easily accessible by walking and cycling. The NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. At Paragraph 70, the NPPF advises that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

4.16 In the context of the NPPF and Local Plan Policy, Officers are therefore supportive of the broad principle of the creation of a community arts venue in the city centre. The key issue instead is whether the proposed mooring of the Arts Barge adjacent to Tower Gardens is appropriate in terms of the impact on the character and appearance of the Conservation Area, on the setting of heritage assets and the impact on residential amenity.

IMPACT ON HERITAGE ASSETS

4.17 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving

the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications.

4.18 The Courts have held that when a local planning authority finds that a proposed development would harm a listed building or a conservation area the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.19 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.20 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Draft 2005 Local Plan policies HE2, HE3 and HE4 reflect legislation and national planning guidance. In particular, Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains, proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

Impact on the Character and Appearance of the Conservation Area

4.21 **Significance of Heritage Asset:** A Heritage Statement has been prepared which seeks to understand the elements within the proposed setting of the Arts

Barge and the significance of the proposed alteration to this location. As part of this assessment, a views analysis has been undertaken considering key views and the impact the proposals will have on their significance. Key views are those identified in the Conservation Area Appraisal from Skeldergate Bridge and from Clifford's Tower and those from Ouse bridge looking east.

4.22 This part of the Central Historic Core Conservation Area includes varied and important heritage assets such as the City Wall (listed at grade 1), Davy Tower (grade 11*), Tower Place houses (grade 11), the late 19th Century Skeldergate Bridge, toll house and walls (grade 11) and the Bonding Warehouse (grade 11). The gardens contain mature trees and the river path forms part of the busy pedestrian link from the car park on St George's Field into the city centre along South Esplanade and King's Staith, or eastwards towards York Castle, or southwards along the planned early 18th Century riverside promenade of New Walk Terrace.

4.23 The special character of an area is created not only by the buildings and spaces forming its townscape appearance, but also by its ambience which is the sum of many factors such as prevailing uses/activities, communication patterns, orientation and landscape, key views and vistas.

4.24 The site of the proposed floating arts venue adjacent to Tower Gardens and Skeldergate Bridge is at the periphery of the city centre and is considered to be a transitional area between the built up core of commercial streets and the quieter residential areas located along and just off the river banks. The gardens themselves are considered to be a well used green space and whilst the gardens sometimes host events including erection of marquee tents, they for the most part, offer a resting place and / or a quieter pedestrian route away from the noise and disturbance of the surrounding road network.

4.25 The Heritage Statement explains that "*Tower Gardens was created by the building of Skeldergate which cut this small area of land off from the open landscape of St. George's Field. The area was landscaped to provide an extension to New Walk to the south and a small public park for the people of York. The area therefore has historic significance for its connection to the building of Skeldergate Bridge and the overarching design of the area. Views across to Tower Gardens are characterised by the growth of mature trees in the area which highlight it as green space to the viewer. The site is defined within the Conservation Area Appraisal as being an extension of the "dense historic commercial core" from Kings's Staith. However, there is certainly a discernible difference in character as the open quayside is replaced by the green enclosed space of the gardens*"

4.26 **Assessment of Impact on Character:** The Heritage Statement concludes that the introduction of an industrial barge in this location is compatible with the historic character of the area as one of commercial river activity whilst its proposed use as a performance venue is compatible with this historic use of the river walk as

a pleasurable leisure activity.

4.27 The proposed Arts Barge, with opening hours extending from early morning until midnight and its offer of a range of community art and performance related events, is effectively in character a city centre “entertainment” use with its ability to cover its fixed costs reliant on income from the bar and cafe. It would be deemed to be an appropriate use in a busier city centre location which would have the potential to complement retailing uses and enhance the vitality and viability of the centre. Its permanent mooring alongside Tower Gardens, however, would be considered to alter the parkland ambience of the area for many of the people who use and pass through it as a result of additional noise and disturbance from the permanent activity on the barge, from increased and different patterns of movement and from the more intensive servicing needs to those of the small scale river related uses already in this location. The submitted Heritage Statement refers to the intention that evening activities will focus a ‘*European cafe culture*’, suggesting use of the seating on outdoor upper deck at these times. The night-time character of the area would also be considered to change as the new upper housing is highly glazed and it would be illuminated from within.

4.28 Assessment of Impact on Appearance: The barge to be used as the base for the ArtsBarge project is the 62 year old “Selby Tony”, a historic working barge that has been used on the Rivers Humber and Ouse as far upstream as Selby. Whilst significant in scale measuring approximately 31 metres long and 6 metres wide, the applicants make the point that “*it is a normal barge as used in York historically*”.

4.29 In terms of views, the Heritage Statement notes that the main impact will be on views when looking directly along King’s Staith towards the bridge and from Skeldergate across the river to the site. The assessment details that due to the height of the barge, only the deck house is likely to be visible from Tower Gardens. The assessment concludes that “*in the view across the river, it would have a moderate impact, causing minor harm to aesthetic value of Skeldergate Bridge, although the industrial character of the barge would be in keeping with the historic use of the river in this area*”. The Heritage Statement deems the impact on the key view from the bridge, identified within the Conservation Area Appraisal, to be negligible.

4.30 Notwithstanding the fact that the Selby Tony is a normal barge as used in York historically, the permanent mooring of such a large vessel would block access for the general public to the remaining stretch of open river bank in this location and would be considered to cause views of and across the river to be permanently interrupted. With respects to access to the bank, the executive summary of the Central Historic Core Conservation Area Appraisal states; “*the rivers are an underutilised asset; more could be done to extend access to their banks and improve the quality of public spaces along them*”. It is noted that the other landings

for small boats are located below the level of the bank. As detailed on the submitted sectional drawing, a significant proportion of the housing on the upper deck of the Selby Tony would be above the river bank.

4.31 With regard to the housing which would be visible above the river bank, the elevational drawings detail a new structure of approximately 30 square metres. This is considered to be uncharacteristically large but the applicant confirms it cannot be reduced in size due to requirements to provide an accessible WC, stairs, platform lift and ticket control point. The design has been improved since original submission with the replacement of the patio door to the front of the deck housing changed to a pair of opening doors, the removal of both masts and the proposal to paint the existing hull and hatch coamings in the original colours i.e. black hull, red band and light blue above. To differentiate the new deck housing from the original, the new steelwork would be painted in grey. An additional photographic visualisation has also been submitted which is considered to make the appearance of the boat look more pleasing (although officers note that this visualisation is not a verified view and that the actual drawings detail a more “boxy” structure on top of the new deck). The applicant contends that “*her simplicity of design is a feature of her working life and the design of the superstructure is intended to reflect that simplicity and allow a high level of visibility through it*”. The Heritage Statement notes that the current design is loosely based on the original wheelhouse.

4.32 Despite the improvements to the design since submission, officers remain of the view that the design lacks visual interest and design quality due to its scale and the highly glazed modern appearance of the tall steel housing.

4.33 Officers acknowledge that an argument could be made that as this proposal relates to ‘a boat on a river’, weight should not be given to issues relating to the interruption of views and poor design. Indeed an argument could be advanced that precisely because it is a boat, the development should be supported as it represents a means to increase activity levels on the river to the benefit of the character of the conservation area.

4.34 Officers recognise the importance of enhancing the use of the river for all residents and visitors and the desirability of opening up and increasing activity levels on the river as a means to enhance the character of the conservation area. However, it is also considered that a distinction needs to be made between a boat utilising the mooring with normal patterns of movement and this proposal for the permanent mooring of the Arts Barge. The static permanence of the Arts Barge would be considered to be akin to that of a new building, and therefore an argument that it would increase activity levels on the river is not accepted. Similarly, by virtue of its proposed permanence, it is considered appropriate to apply the same principles of design as one would with the siting of a new building in the Conservation Area. The current views of and across the river are available when no boat is moored would be compromised in perpetuity.

4.35 The applicant has provided the historical context to the proposed development, commenting that *“throughout the Victorian times through to the 1960s, barges transported goods into York and yet there is almost nothing left of this historic feature except the iron gantry on Queens Staith, the staithes themselves and some converted warehouses. The Selby Tony represents the end of a long line of commercial craft that has made York what it is today”*.

4.36 The Heritage Statement notes *“Selby Tony worked from Hull into Goole, Leeds, Selby and York and carried bulk loads including grain, molasses and coal tar from York gasworks. The boats were moored alongside many other barges of similar size and larger, along York city centre’s riverbanks. The Selby Tony is one of the last remaining cargo barges from that fleet remaining with others surviving by being converted into houseboats”*.

4.37 Whilst the hull of the barge is of some historic interest, it is considered that the superstructure would be uncharacteristic of the traditional workmanlike character of the barge. Similar barges shown in the photograph submitted with the application are low lying and it is considered that the proposal would be more authentic and have less impact on the setting of the bridge if the upper deck were smaller, or located away from the bridge. The proposed adaptations to the Selby Tony are therefore considered to bring into question the historic relevance of the proposed development.

Impact on the setting of Skeldergate Bridge

4.38 **Significance of Heritage Asset:** The Heritage statement details that the significance of Skeldergate bridge stems from its connections to the expanding City of York in the Victorian era. It explains that the bridge was built to relieve the pressures that York’s two other bridges were under and to provide better access for the people living in the new growing suburbs. The bridge was designed at the time to allow for the large cargo barges that brought goods to the industrial areas of the City and the two staithes to the north, being lifted from the tollhouse when required. The Bridge is listed for its design and historic connection and as such has innate heritage significance.

4.39 In assessing the significance of Skeldergate Bridge, Officers note that it is the most highly decorative bridge of York’s inner city bridges and its design can be fully appreciated from Tower Gardens or from the landing adjacent to the Bonding Warehouse. It has three spans supported by ashlar piers with semi-octagonal embattled masonry towers corbelled out from the piers. The cast iron balustrade is pierced with quatrefoil openings over a band of heraldic shields and the central one of the traceried spandrels incorporates the City Arms of York and the Keys of St Peter. The toll house sits on Tower Gardens and it has an unusually sculptural

form, having an octagonal tower and a projecting circular stair-tower and leaded light windows.

4.40 Assessment of Impact on Skeldergate Bridge: The Heritage Statement determines that the proximity of the barge to Skeldergate bridge constitutes a low adverse impact to aesthetic value stating that *“the large, plain surfaces of the barge are a marked contrast to the richly detailed arches of the bridge”*. It also advises that *“the proposals would have a negligible impact on historic value due to the compatible and symbiotic historic uses of both the bridge and the barge as a traditional form of river transport”*.

4.41 The Selby Tony would be located approximately 6 metres from the Skeldergate bridge structure and 3 metres from the toll house. By virtue of the barges' uncharacteristic large housing on the upper deck and its proximity to the toll house and bridge spandrels (within 10 metres), Officers consider that the permanent presence of the barge would prevent the highly decorative design of the bridge and toll house being fully appreciated thus adversely affect the setting of the bridge and views of it from both banks.

4.42 In terms of wider views of the bridge, the gardens and open landings on each side of the river were designed in conjunction with the bridge in 1879-1881. The extended walls of the bridge encompass the whole area from Skeldergate/Cromwell Road junction to Tower Street. By virtue of its sheer scale and height, the barge would be considered to interrupt bank level views across this integrated historic complex.

SUMMARY OF IMPACT ON HERITAGE ASSETS

4.43 An assessment as to the impact of the proposed development on the appearance and setting of the various important heritage assets which surround it such as the City Wall, Davy Tower, Tower Place houses, Skeldergate Bridge, toll house and walls and the Bonding Warehouse, and on the character and appearance of the Central Historic Core Conservation Area, concludes that the proposed development would cause some harm to the designated heritage assets. This is due to the effect on the existing character of the gardens through the introduction of a use more typical of a busier city centre location and due to the impact on the setting of heritage assets and views within and across the conservation area through its proximity to the heritage assets and due to the size and scale of the barge, the modern appearance of the high level additions, and through it blocking the river bank.

4.44 The harm to the heritage assets is assessed as less than substantial but in these circumstances the council's statutory duty under Sections 66 and 72 gives rise to a strong presumption against planning permission being granted, and

considerable importance and weight must be given to the harm in the planning balance, despite it being less than substantial.

Public Benefits

4.45 Given that the assessment as to the impact of the proposed development, concludes that some harm would be caused to the designated heritage assets, the LPA has to weigh the proposal against the public benefits of the proposal, as prescribed in Paragraph 134 of the NPPF. As detailed in paragraphs 4.14 to 4.16 of this report, the principle of a community arts venue is supported and such a use can be considered to be a public benefit. However, in relation to such a proposal for the mooring of a barge to be used as an arts and performance venue as opposed to a use or alterations proposed for an existing building, officers contend that it should also be demonstrated that the public benefits of the proposal can only be secured through the creation of the venue on a boat (as opposed to a building) and in the location proposed. Otherwise it could be argued that the proposed Arts Venue could be created elsewhere without the harm to its heritage assets, either within an existing building or elsewhere along the river, in a location which provides the public benefits to the City.

4.46 The applicant has provided a statement as to why a barge was selected, reviewing alternative mooring positions on the River and providing the reasons as to why Tower Gardens is considered an appropriate place for the mooring. The applicant states;

“The Arts Barge venue is a community focused venture but, nevertheless, it does not wish to rely on charitable donations for its continued running costs and wishes to be financially independent. To this effect, the Barge has to be moored in a suitably visible public space within the central regions of York – too far to the north-west or to the south-east would have a seriously detrimental effect on its viability.”

4.47 The applicant details the other mooring positions explored; North Street gardens was discounted as it would involve significant structures including substantial gangways in order to deal with the 4.5 metre height difference between water level and North Street. The costs of this was deemed to be prohibitive as well as the difficulties of dealing with accessible access. The City Screen site was also discounted as the existing deck level and access point is very high above the water level. Queens Staith to the Bonding Warehouse was deemed unsuitable due to its residential character. The applicant notes that the new Guildhall development is a site that cannot be considered currently.

4.48 The applicant details the advantages of the Tower Gardens site by stating that it has a very simple and virtually level access, allowing full accessibility. The nearby St. Georges Field car park allows for parking and deliveries and the proposed location is easily accessible for pedestrians and cyclists and is visible by the public.

It is close to other cultural destinations such as the Castle Museum and links in with the Bishopthorpe Road area.

4.49 In terms of the background as to why a barge was selected, the applicant states;

“The Arts Barge project was initially conceived because of the lack of an Arts Centre in York. The reason that the York Arts Centre closed down was due to high costs of running the building, small income and high costs of arts provision and the local council withdrawing regular funding in favour of funding building of the Barbican. We looked into the cost of renting a city centre venue as compared to buying a barge which could be moored centrally to provide a city centre arts space – the cost of renting and running a comparably sized and located building is considerably higher and would not have inspired the public support that the barge has. It is not the arts alone that are of public benefit in this project – it is a combination of the arts and the barge – this has been our aim from the start of the project in 2008.

The benefit of the barge aspect is considerable in terms of cost (relatively low), position (high profile city centre), enjoyable experience (of being on the river), conservation of a decommissioned local heritage vessel, regenerating use of the river and sustainability (relatively low running costs)“.

4.50 Officers recognise that the proposal to create an Arts Centre offers a number of public benefits and further to this, acknowledge the advantages for the project of securing a venue on the river in this highly visible, central location. However, in the context of the identified harm to the designated heritage assets, it is not considered that the applicant has demonstrated that a permanent base for community arts and performance related events and outreach projects, could not be provided from an existing building in the city. Indeed the focus since the inception of the project in 2008 has been to combine arts with a barge, and therefore it is doubtful whether alternatives to find an existing venue from which to offer community arts events without harm to the city’s heritage has been fully explored. On this basis, officers do not consider the public benefits would outweigh the perceived harm to the designated heritage assets.

IMPACT ON RESIDENTIAL AMENITY

4.51 One of the core principles of Planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Local Plan policy GP1 (Design) requires that development proposals ensure that residents living nearby are not duly affected by noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.52 The site of the proposed Arts Barge at the periphery of the city centre, is considered to be a transitional area between the built up core of commercial streets

and the quieter residential areas located along and just off the river banks. The nearest residential property is Davy Tower which is located approximately 54 metres to the north of the application site with the terraced properties of Tower Place sited between 65 metres and 85 metres away. The Bonding Warehouse is located approximately 40 metres on the opposite side of the river.

4.53 As detailed previously, it is intended that the proposed arts venue would be open from 7.30 am until 12.00 am. The submission estimates maximum visitor numbers per opening period over three years of a maximum of 70 on board in Year 1, 90 in Year 2 and 120 in Year 3 (although the applicant states that these numbers are expected to steadily rise as their reputation becomes established). The lower deck performance and bar area combined could accommodate a maximum of 160 persons (including 4No kitchen/bar staff).

4.54 A number of concerns relating to noise from activities on the barge and associated anti social behaviour resulting from individuals leaving the venue late at night, have been raised by local residents from Tower Place, South Esplanade, the Bonding Warehouse, Postern Close, Lady Anne Court (Skeldergate), Emperors Wharf and City Mills. It is noted that prior to the submission of this application, the Arts Project ran several temporary events within Tower Gardens to which Public Protection received complaints from local residents. The applicant is keen to stress that this proposal is not a continuation of the Artsbarge York Festival performances in Tower Gardens.

4.55 A noise assessment (revised since the original submission) has been submitted to demonstrate the anticipated levels of noise likely to arise from an event operating inside of the barge at the nearest residential properties. As noted within paragraphs 3.18 to 3.23, noise levels inside the arts barge likely to arise from the carrying out of live music would be anticipated to be 90.6 dB(A) Leq. At this level internally, the anticipated level of sound at the nearest residential properties, without any consideration of sound reduction provided by the barge structure itself, would be 56.9 dB(A) at façade. With an open window in the barge, an anticipated sound level of between 42 to 47 dB(A) at the façade of the nearest residential property could be achieved. Within the noise assessment, noise levels of 32 dB(A) are predicted when windows are open, which is approximately 13dB lower than the existing background noise levels at the nearest properties. On this basis, Officers are satisfied that the level of noise arising from live music and people within the barge are unlikely to result in the loss of amenity to nearby residential receptors.

4.56 In terms of noise associated with people noise from the use of external seating, the submitted noise assessment predicts levels being approximately 9dB below the existing background L90 of 45dB(A) and therefore Officers are satisfied that the noise arising from people seated on the roof of the barge are unlikely to result in the loss of amenity to nearby residential receptors. This is on the basis that conditions be applied to prohibit playing of music externally on the barge and to prohibit use of

the external seating areas after 23:00.

4.57 The increased activity resulting from people arriving/ leaving the barge late at night and the potential for noise disturbance to neighbours, particularly in the summer when windows may be open, is more difficult to assess. It is acknowledged however that access and egress from the barge would be from the well used river path which forms part of the pedestrian link from the car park on St George's Field into the city centre along South Esplanade and King's Staith and southwards along New Walk Terrace into the Fishergate area, and as such, there is already a degree of late night pedestrian movement, associated with the night-time and tourist economy which would be difficult to differentiate from individuals leaving the barge.

4.58 Further to this, it is considered that the location of the barge is such that individuals leaving late at night would disperse rather than concentrate on a particular route, for instance, individuals may take the riverside path, walk eastwards across Tower Gardens towards the Castle or over Skeldergate Bridge, thereby lessening the potential impact for disturbance to such a degree that Officers do not consider that the increase in activity from the proposed use would constitute a material change to the existing pedestrian movements.

4.59 It is noted that the Police have no comments to make in respect of "designing out crime" and with regards to the sale of alcohol and the provision of entertainment comments note that should there be any issues or concerns, these will be discussed as and when a Premises Licence is applied for.

FLOOD RISK

4.60 The proposal to create a floating arts venue is a water-compatible use and in accordance with policy, should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

4.61 A Flood Risk Assessment has been submitted detailing that at normal summer level on the River Ouse, the upper deck level of the Barge would be 7.45 m. The bank at this point is 7.3 m allowing for almost horizontal accessibility. Access would be provided by a "T" platform with gangways at each end of the T which would rise and fall to accommodate the different river levels. Piled moorings would be used to secure the Barge fore and aft at 2.5 metres from the river bank.

4.62 Maximum flood level has been recorded at 10.4 metres and the pile mooring height has been fixed at 13.15 metres which allows for a 900mm tolerance above

the fixing points on the Barge at maximum recorded flood level to take account of any future increase in maximum flood levels.

4.63 On the basis of the submitted FRA, which demonstrates that the barge will rise and fall with the river (and therefore not cause an obstruction to flows), the Environment Agency raise no objections to the application.

4.64 The applicant has formulated a flood evacuation plan which involves registering with the Environment Agency's flood warning system. Nominated people within the Arts Barge management team would prepare for evacuation and, at the agreed river level being reached, full evacuation of the Arts Barge would take place. The Council's Flood Risk management team recommend a condition be applied requiring the submission of a robust emergency evacuation plan to include measures taken on receipt of flood warnings and the signing up to the EA flood warning scheme.

IMPACT ON THE NAVIGATIONAL SAFETY OF THE RIVER OUSE

4.65 The submission proposes the installation of three piles to the river in order to secure the barge and associated pontoons. In order to ensure that the barge and pontoons remain in situ and do not break free from their mooring which could create a navigational safety issue for other river users, the Canal and River Trust, as the navigation authority for the River Ouse, emphasise the importance of the pile details being submitted and approved prior to works commencing. This will enable the applicant to demonstrate that the piling system can withstand the high and fast flows of the River Ouse.

FOUL WASTE

4.66 The barge would have a small holding tank and internal twin pumping facility which would connect to a flexible hose permanently fixed between the barge and the inlet pipe. There is a main drain running along the walkway adjacent to where the barge would be moored and the intention is to run a new 100mm drain from the existing manhole out through the existing concrete river wall as the inlet pipe. The flexible connection would ensure a watertight connection is maintained from holding tank to existing foul drain irrespective of any flood conditions.

5.0 CONCLUSION

5.1 The application involves the creation of a permanent base for community arts and performance related events and outreach projects across the range of art forms through the conversion of the Selby Tony, a historic working barge and its mooring adjacent to Tower Gardens.

5.2 A number of concerns relating to noise from activities on the barge and associated anti social behaviour resulting from individuals leaving the venue late at night have been raised by local residents. A noise assessment has been submitted and on the basis of this information, officers are satisfied that the anticipated levels of noise arising from live music and people within the barge are unlikely to result in the loss of amenity to nearby residential properties. In terms of the increased activity resulting from people arriving / leaving the barge late, Officers consider that the location of the barge is such that individuals leaving late at night would disperse rather than concentrate on a particular route and therefore the increase in activity would not constitute a material change to the existing pedestrian movements.

5.3 A Flood Risk Assessment has been submitted which demonstrates that the barge will rise and fall with the river and a flood evacuation plan has been formulated. With respects to the navigational safety of the river, three piles would be installed in order to secure the barge and associated pontoons. The Environment Agency and the Canal and River Trust raise no objections to the scheme subject to the attachment of conditions.

5.4 An assessment as to the impact of the proposed development on the appearance and setting of the various important heritage assets which surround it such as the City Wall, Davy Tower, Tower Place houses, Skeldergate Bridge, toll house and walls and the Bonding Warehouse, and on the character and appearance of the Central Historic Core Conservation Area, concludes that the proposed development would cause less than substantial harm to these designated heritage assets. This is due to the effect on the existing character of the gardens through the introduction of a use more typical of a busier city centre location and due to the impact on the setting of heritage assets and views within and across the conservation area through its proximity to the heritage assets and due to the size and scale of the barge, the modern appearance of the high level additions, and through it blocking the river bank.

5.5 Considerable importance and weight is given to the desirability of avoiding such harm. It is considered that the public benefits associated with the proposed development are not sufficient to outweigh the harm to the heritage assets because the applicant has not demonstrated that a permanent base for community arts could not be provided from an existing building in the city. In the overall planning balance, it is therefore the conclusion of officers that the public benefits do not outweigh the identified harm to the designated heritage assets when considerable importance and weight is given to the desirability of avoiding harm to the heritage assets.

5.6 It is considered that in refusing this application the Local Planning Authority would be properly exercising its duty under Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with national planning policy set out in the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed permanent floating arts venue, through the introduction of increased and different patterns of movement to and from it, would harm the quieter parkland character of Tower Gardens, to the detriment of the character of the Central Historic Core Conservation Area. Furthermore, the size and scale of the barge, with the modern appearance of the deck house, would harm the setting of nearby heritage assets including adjacent listed Skeldergate Bridge, and detract from views within and across the Conservation Area.

The National Planning Policy Framework requires that this harm should be weighed against the public benefits of the proposal. In this case, the applicant has not demonstrated that a permanent base for a community arts centre could not be provided from an existing building in the city and therefore little weight is attached to the perceived public benefits of the proposed development. In the overall planning balance considerable importance and weight has been given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the conservation area to give effect to the statutory duties under sections 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990,

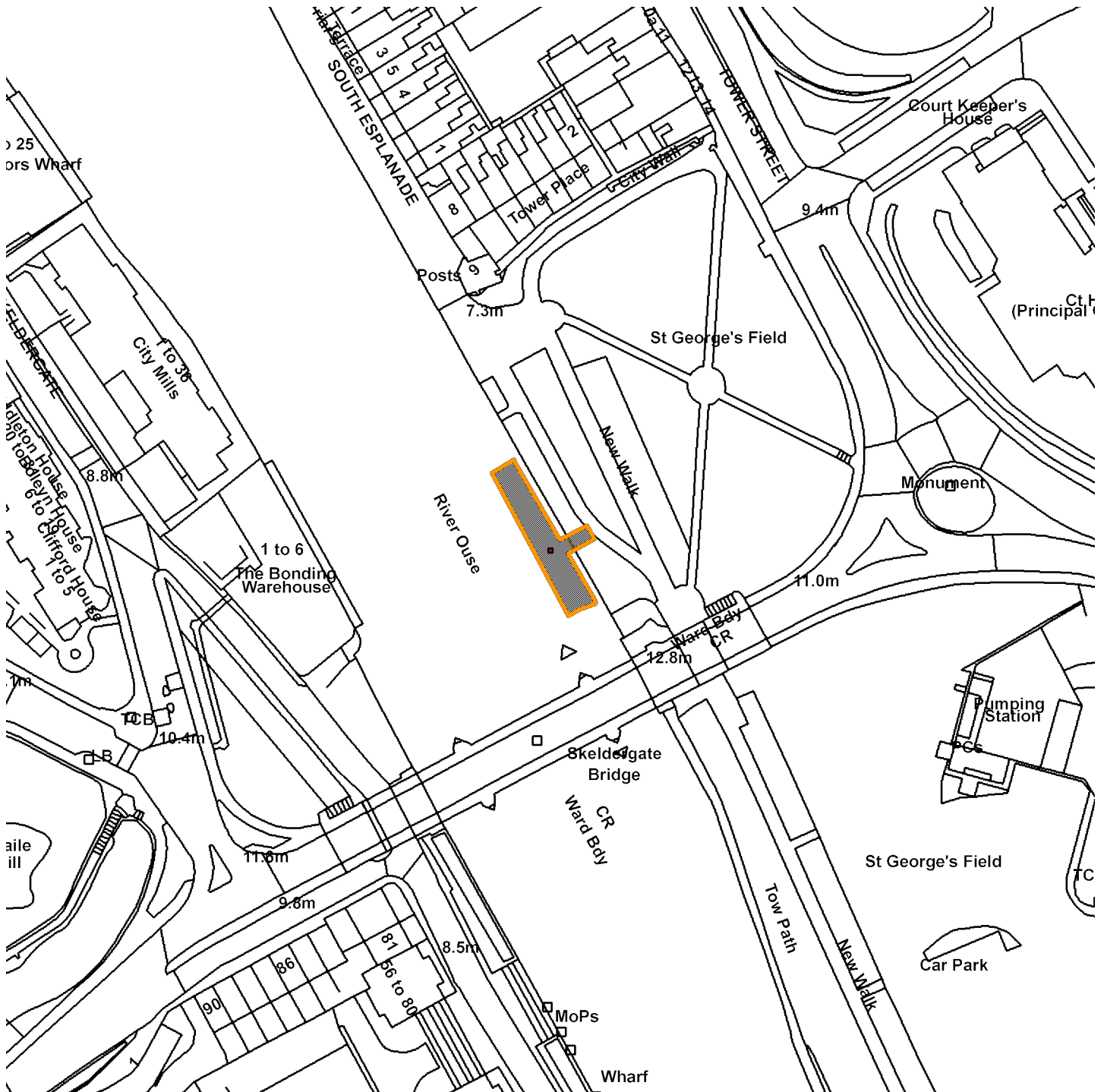
Contact details:

Author: Rachel Tyas, Development Management Officer (Tues - Fri)

Tel No: 01904 551610

16/01769/FUL

Proposed Floating Arts Venue, South Esplanade



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	06 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 February 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 comprises a substantial Grade I and II* and partially Grade 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 public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has ended and the responses are being compiled and assessed. 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:

2.7 Relevant 2005 allocations include:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
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- 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

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

LEGISLATIVE AND POLICY CONTEXT FOR HERITAGE ASSETS

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

2.9 Section 66 of the 1990 Act 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 of the 1990 Act 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 confirms that these statutory duties require the Local Planning Authority to give considerable importance and weight to the desirability of, respectively, preserving a listed building or its setting and preserving or enhancing the character or appearance of a conservation area. Harm to a listed building or the character of a conservation area is not a matter to be weighed equally with other material considerations in the planning balance, as the statutory duty imposed by Sections 66 and 72 impose a strong presumption against approval of development that would cause such harm. This is the case whether the harm is substantial or not.

2.12 This means that even where harm to such heritage assets is found to be less than substantial, the decision maker must still give considerable importance and weight to the desirability of preserving a listed building or its setting and preserving or enhancing the character or appearance of a conservation area when carrying out the balancing exercise. The exercise is still one of planning judgment but it must be informed by that need to give considerable importance and weight to conserving the heritage asset, more weight than if it were simply a factor to be taken account along with all other material considerations which have not been given this statutory status.

2.13 The legislative requirements of Sections 66 and 72 are in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following:-

-Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

-Paragraph 131 advises 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.

-Paragraph 132 advises 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" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

-Paragraph 134 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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 Construction Environmental Management Plan (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 Raises no objection to the proposal subject to any permission being conditioned to secure a method of works statement in respect of the construction process and compliance with the submitted framework travel plan.

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. 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 (e.g. 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 (e.g. 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 had been expressed in terms of the design and location of the proposed river source heat pump, the presence of secondary glazing within the building and the design and location of additional openings into the staircase hall to the Council Chamber. The previously proposed secondary glazing has been omitted from the scheme in its entirety and the proposed additional opening into the staircase hall has been redesigned to address the concerns previously raised. The location of the heat pump has also been satisfactorily clarified.

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.

Publicity and Neighbour Notification

3.13 As an adjoining property owner, York Conservation Trust 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.

3.14 30 Letters of objection and one letter of support have also been submitted in respect of the proposal. The following is a summary of the letters of objection:-

- Concern in respect of the impact of the loss of the existing dais and screen on the significance of the Guildhall Building;
- The design and location of the proposed additional doorway from the Guildhall Building to the glazed extension to the south east;

- The provision of a glazed draught lobby within the Guildhall Building;
- The formation of additional openings into the staircase hall leading to the Council Chamber.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the Listed Building complex;
- 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 COMPLEX 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. The presumption in favour of sustainable development set out at paragraph 14 of the National Planning Policy Framework does not apply in these circumstances. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework is that Local Planning Authorities should 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. There is a statutory duty on the Local Planning Authority to give considerable weight and importance to the desirability of preserving a listed building or its setting and enhancing the character or appearance of a conservation area when considering the planning balance by virtue of Sections 66 and 72 of the 1990 Act. This is the case even if the harm to such heritage assets is found to be less than substantial.

4.3 DEVELOPMENT AND FLOOD RISK:- Central Government Planning Policy as outlined in paragraphs 100 to 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 sequential approach in order that development is directed away from areas of highest flood risk is established with a requirement to clearly demonstrate that no sequentially preferable sites lying within lower risk flood zones exist and are reasonably deliverable where the development may be undertaken. This process

sits within the framework of the up-to-date Strategic Flood Risk Assessment for the area and should not conflict with its delivery. In the event that the Sequential Test can not be complied with then an Exceptions Test must be undertaken. This must demonstrate that the development provides wider sustainability benefits that outweigh the flood risks informed by the Strategic Flood Risk Assessment. It must at the same time be the subject of its own detailed Flood Risk Assessment which clearly establishes that the development is flood resilient and flood resistant through its lifetime with the most vulnerable development located in the area of the lowest flood risk.

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 OF LISTED BUILDING COMPLEX:-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 I, II* and Grade 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 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 and adjust the physical proportions. 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. The 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. The scheme has subsequently been redesigned to allow for the provision of a tantalised bronze balustrade (rather than the profiled glass sections originally proposed) 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. Further information has been submitted to clarify the precise location and the proposed river source heat pump at the south western edge of the existing building, and its 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.

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. Amended details further clarify the proposed method of fixing of the glazed elements of the structure to the existing building, which would be physically discrete. It is felt that, element of the proposal would give rise to less than substantial harm to the character and significance of the building subject to being conditioned in detail as to the precise method of fixing. In terms of its necessity and design. The proposed additional opening to the south east of the Guildhall building has been carefully designed to match the existing pattern and hierarchy of openings and a clear justification has been advanced on the basis of the technical capacity of the Guildhall Building requiring an additional opening to allow for evacuation if needs be.

4.11 CONCLUSION OF IMPACT UPON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDING COMPLEX:- The proposal as amended would give rise to a some 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. With the agreement of the applicant to lower the feature window within the new extension, it is felt that the degree of harm identified is less than substantial.

IMPACT UPON THE SETTING OF 10 - 14 LENDAL, GRADE II* LISTED BUILDINGS

4.12 SIGNIFICANCE: - 10-14 Lendal comprises a block of two four storey brick built former town houses dating to the Late 17th Century converted into a shop and a bank 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 a garden and yard leading to the water front and small scale industrial and warehousing activities adjoining. 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 from this property 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 Listed Building was designed as a high

status merchant's house with living accommodation on the street frontage of Lendal with workshops and warehouses adjoining, 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 harm as the principal historic views of the property would only be modestly harmed. The Applicant has agreed to reduce the height and adjust the proportions of the new building further and has submitted plans that are the subject of consultation at present. The harm to this listed building is considered to be less than substantial.

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 has 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.

SUMMARY OF IMPACT ON THE HERITAGE ASSETS

The impact of the amended proposals on the designated heritage assets has been assessed as amounting to less than substantial harm.

Given that the development proposal will lead to less than substantial harm to the significance of the designated heritage assets, paragraph 134 of the NPPF requires that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The substantial public benefits of the proposal, including securing its optimum use are set out in paragraph 4.21. However, the identified harm still attracts considerable importance and weight in the planning balance by virtue of Sections 66 and 72 of the 1990 Act.

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. In terms of the Sequential Test as required by paragraphs 100-104 of the NPPF no sequentially preferable sites exist to be able to accommodate those elements of the proposal within Flood Zones 2 and 3a) and as such the Sequential Test is failed and a requirement for the Exception Test to be undertaken arises. In terms of complying with the Exception Test the development is able to demonstrate clear sustainability benefits by being able to demonstrate the reuse of the complex in a more intensive and publicly beneficial manner. 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. Whilst the Sequential Test as required by paragraphs 100-104 of the NPPF is clearly not capable of being complied with, the Exception Test to demonstrate clear sustainability benefits which over-ride any harm by increase in flood risk has been complied with successfully. At the same time the development has been subject to a detailed site specific Flood Risk Assessment and is therefore felt to be acceptable.

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. Following concern regarding the close proximity of the plant for restaurant and office suites and the site layout inhibiting access the established bat 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 with 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 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 considered that such a loss of view would not constitute a significant material consideration that would unacceptably compromise the residential amenity of prospective occupants of the property, and that the scheme is acceptable in amenity terms.

USAGE OF THE GUILDHALL YARD

4.20 Whilst concerns have been expressed in terms of the removal of the existing parking and garage space from the yard area adjoining the Mansion House, the proposals would not give rise to any material harm to the significance of the complex. It would however alter the management of the space in terms of its civic usage. It has been indicated that some form of parking would be retained in association with the Mansion House use and it is recommended that any permission include an informative seeking the formation of a new management arrangement to cover usage of the space and operational linkages with both the Guildhall and Mansion House.

PUBLIC BENEFITS OF THE PROPOSAL

4.21 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 and perhaps more importantly providing an on-going source of economic investment to secure the long term future of these high status listed buildings. 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. It is considered that cumulatively these public benefits are substantial and significant.

5.0 CONCLUSION

5.1 The Guildhall comprises a substantial Grade I ,Grade II* and Grade 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 is 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 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.

5.3 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. Although the harms identified to the designated heritage assets would be less than substantial, the harms give rise to a statutory presumption against the grant of planning permission. In order to give effect to the statutory duties under sections 66 and 72 of the 1990 Acts, the Local Planning Authority should afford considerable importance and weight to the desirability of preserving the listed building complex or its setting and preserving or enhancing the character or appearance of the Conservation Area in the overall planning balance. The policy test in paragraph 134 to the NPPF requires the harm to the heritage assets to be balanced against any public benefits of the proposal. Having attached considerable importance and weight to the desirability of avoiding the harms identified to the heritage assets, it is concluded that the 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 clearly outweigh these harms. The proposal is therefore felt in the overall planning balance to be acceptable and approval is recommended.

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

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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
AA(0)0116.P1 Proposed Guildhall Screen Detail Sheet 2
AA(0)0118.P1 Proposed Framing of Window on North Extension Study

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 works hereby approved shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme, including a timetable for implementation, which shall illustrate the number, species, height and position of trees shrubs and hard landscaping. Development shall be carried out in accordance with the approved details and timetable. 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 prior to their installation. 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 retained, operated and 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 00:00 am

Reason: To safeguard the amenities of adjoining occupants.

12 Prior to commencement of the hereby approved works 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 prior to their installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be retained and operated and 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/ozon 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 shall be 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 the Local Planning Authority for approval in writing and its recommendations as so approved 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 works hereby approved 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, and 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 Notwithstanding the previously submitted application details, full details including cross sections at 1:5 and 1:20 of the proposed screen, dais and associated civic space including the design of fixed seating and other furniture for the Guildhall space shall be submitted to and approved in writing by the Local Planning Authority before internal refurbishment work commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the refurbished Later Medieval Guildhall Chamber being first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the National Planning Policy Framework.

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.

22 Prior to alterations being commenced a level 2 (in accordance with Historic England Guidance) photographic recording survey shall be carried out in accordance with Historic England guidance as set out in "Understanding Historic Buildings: a guide to good recording practice" May 2016. The recording process shall include careful removal of finishes in affected areas so that details of any notable underlying wallpaper, stencilling or paint finishes can be recorded.

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

23 The works hereby approved shall not be commenced until a detailed method of works statement has been submitted to and approved in writing by the Local Planning Authority. Such statement shall include at least the following details;

- I. Routing of construction traffic, including signage where appropriate
- II. Arrangements for site compound and contractor parking
- III. Measures to prevent the egress of mud and other detritus onto the public highway
- IV. A jointly undertaken dilapidation survey of the adjacent highway
- V. Program of works

VI. Details of any road/footpath closures as may be required

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.

24 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the submitted Framework Travel Plan dated *17th August 2016*, or such Travel Plan, which is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with local and national planning and transportation advice and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

25 No works hereby approved shall take place until a drawn and photographic recording scheme, including a work programme and timetable, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The scheme shall accord with Historic England's guidelines set out within 'Understanding Historic Buildings: A guide to good recording practice', republished in May 2016. The recording process shall include careful removal of finishes in affected areas so that details of any notable underlying wall paper, stencilling or paint finishes can be recorded. The scheme shall include provision for (but shall not be limited to);:

(i) Prior to alteration, a level 2 drawn and photographic archaeological recording of the south wall of the Guildhall in its existing condition showing both internal and external elevations as a whole; and.

(ii) Prior to alteration, a level 2 drawn and photographic recording of the internal west wall of the Guildhall both before the proposed removal of the existing screen and dais, and following its exposure.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the NPPF.

26 No works hereby approved shall take place, until a Method Statement (MS) has been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved MS. The MS shall include details of materials, construction techniques and finishes and shall provide for:

(i) The integration of new services such as heating, lighting, ICT within the Guildhall. Information shall be illustrated to show the type of fittings and equipment proposed and how the distribution of cabling and ductwork shall be

hidden to avoid damage to the interior. The MS shall fully describe the sequence of alteration to the floor to insert under-floor heating, and how existing high quality flooring materials and other elements shall be protected during construction;

(ii) Reinstatement of the buttresses of the Guildhall north wall and exposing the stonework. The MS shall provide for the undertaking of trials to determine the best method for removing the plaster and leaving the stonework unharmed and for any subsequent making good required;

(iii) The recording, dismantling, and rebuilding of the muniment store. The MS shall include structural measures proposed.

(iv) The service strategies, and also any upgrading of elements for fire and acoustic performance. The MS shall describe any plant, distribution systems and outlet sources arising from the River Source Heat Pump and show how the impact on the building's interior, exterior appearance and fabric has been minimized; and.

(v) Protection for existing elements and finishes in areas where demolition works will be carried out.

Reason: To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the NPPF.

27 No works hereby approved shall take place until full details of both hard and soft landscaping, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include, inter alia, terraces, planters, ramps, steps, balustrades (save for the river side balustrade) , gates, walls, compounds, bike racks, external lighting and CCTV. Development shall be carried out in accordance with the approved details and timetable.

Reason: To safeguard the character and appearance of the designated heritage assets.

28 No works hereby approved shall take place until details of the items listed below have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

(i) Details including sections at 1:5 and 1:20 of the river side balustrade and works to the existing river wall. Such details shall show, inter alia, how existing copings will be retained and re-set;

(ii) Full details showing the River Source Heat Pump in relation to the Guildhall, river walls and walkways;

- (iii) Large scale details of the new opening and new doors in the south wall of the Guildhall. The details shall show how doors shall match the existing consistent door design within the hall. Within the hall details shall include chamfered mouldings to match other similar openings;
- (iv) Full details for remodelling the Guildhall floor where the ramp will be introduced. Details shall include cross sections, handrails, and remodelling of the steps and surrounding flooring pattern and surfaces to accord;
- (v) Large scale details of the replacement lobby at the east end of the Guildhall. Such details shall illustrate the abutment condition with the masonry wall. Proposals for making good any scars in the stonework shall also be provided;
- (vi) Large scale details of any alterations to the “Munster balustrade” necessary to adapt it to its new location;
- (vii) Full details of all new fittings, such as benches, attached to walls or floor of the Guildhall interior. Details shall include method of fixing;
- (viii) Full construction details for the newly created slype space on the south side of the Guildhall, and the new glazed entrance lobby on the north side of the Guildhall. Such details shall include details of the clerestory, gutter, rainwater goods, and doors. Detailed sections at 1:20 and 1:5 shall show connection details between the newly created glazed areas and existing masonry. Large scale details shall show how the impact of fixings and the solid appearance of the connecting elements have been minimized. Full details of all other fittings adjacent to the external walls of the Guildhall wall shall be included, including benches, sleeves/linings;
- (ix) Large scale details of the new opening within the stair vestibule and lobby of the Municipal Offices;.-
- (x) Full details of the new extension to the south annex. Such details shall explain the abutment details, alterations to the existing roof structure and the resultant effect on the interior space, new and altered openings, including all roof-lights;
- (xi) Large scale details of new openings and new windows in the north gable wall of the Guildhall annex. Windows shall be shown in context;
- (xii) Selected bay details of the replacement north annex, the glazed link and the new north extension. Such details shall illustrate the articulation of the facades (including but not limited to oriels/balconies/balustrades/soffits/eaves/parapets etc), the relationship between elements and the detailed design quality. The areas selected shall be first agreed with the Local Planning Authority in writing. Each

area shall be drawn out in plan, section and elevation at 1:20 with details of verge, eaves and reveals drawn out at 1:5.

(xiii) Door and window schedules shall be provided identifying in full proposed alterations to existing windows and doors (including for fire, acoustic and DDA purposes), and also fully describing new doors and windows. The schedule shall be supplemented by annotated illustrations explaining the alterations. The schedule and accompanying illustrations shall include full details of window alterations required to accommodate the River Sourced Heat Pump) and full details of the “brick faced” jib door;

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

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.

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.

5. GUILDHALL YARD:-

The applicant's attention is drawn to the need to arrive at alternative on-going management arrangement for the usage of the Guildhall Yard including the on-going provision of alternative car parking for the Mansion House that takes clear account of the needs of all users.

Contact details:

Author: Erik Matthews, Development Management Officer

Tel No: 01904 551416

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16/01971/FULM

The Guildhall, Coney Street



Scale : 1:1297

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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	06 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 February 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01972/LBC
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: Listed Building Consent
Target Date: 19th 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 comprises a substantial Grade I , 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. Listed Building Consent a is 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. The scheme has subsequently been amended to deal with Conservation concerns including deletion of the proposed secondary glazing. The location and design of the proposed river source heat pump has also been clarified.

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 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 12 to the NPPF.

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

2.4 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has ended and the responses are being compiled and assessed. 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 D5: Listed buildings
- Policy D9: City of York Historic Environment Record

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:

2.7 Relevant 2005 allocations include:

- 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
-

2005 Draft Development Control Local Plan policies:

2.8 Relevant development control policies include:

- CYHE2 - Development in historic locations
- CYHE4 - Listed Buildings
- CYSP3- Safeguarding the Historic Character and Setting of York

Statutory duty – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended))("the 1990 Act") – Section 16

2.9 Section 16 of the 1990 Act requires the Local Planning Authority when determining applications for listed building consent 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 Case law confirms that this statutory duty requires the Local Planning Authority to give considerable importance and weight to the desirability of preserving a listed building or its setting. Harm to a listed building is not a matter to be weighed equally with other material considerations in the planning balance, as the statutory duty under Section 16 of the 1990 Act imposes a strong presumption against approval of development that would cause such harm. This is the case whether the harm is substantial or not.

2.11 This means that even where harm is less than substantial, the desirability of avoiding of such harm must still be afforded considerable importance and weight in the planning balance. The exercise is still one of planning judgment but it must be informed by that need to give considerable importance and weight to conserving the heritage asset, more weight than if it were simply a factor to be taken account along with all other material considerations which have not been given this statutory status.

3.0 CONSULTATIONS

INTERNAL:-

Planning and Environmental Management (Conservation)

3.1 raise concerns in respect of the interior treatment of complex specifically the interrelationship between new and existing elements and the treatment of the proposed new civic spaces.

3.2 Has undertaken extensive consideration of the proposals and has sought amended details. In summary, the consultation response states the scheme is an example of heritage led regeneration and the proposals would undoubtedly add value to the site - by responding to context, by improving the internal working environment for offices/business club, and by successfully resolving many of the functional, circulation and structural problems inherent in the existing buildings. Some detailed aspects of the proposals have been revised to avoid unacceptable harm being caused to the special architectural and historic character of the buildings, especially as it relates to the buildings' civic and ceremonial functions. Further detailed work is expected by means of conditions. States it has not been possible to assess impacts of the servicing in terms of the distribution system, above basement level, but this information should be covered through conditions.

3.3 Concerns have been expressed about the need to co-ordinate the design of the site and manage it as a whole including the Mansion House to ensure that competing requirements do not undermine the various civic roles of the buildings, as maintaining the historic uses and the important relationships between the buildings are matters intrinsic to the special architectural and historic interest of the site.

EXTERNAL

Guildhall Planning Panel

3.4 Objects to the proposal on the grounds that it would present an undesirable precedent for unsympathetic work to be undertaken elsewhere.

York Civic Trust

3.5 Raises no objection to the proposal subject to the internal glazed elements of the proposal together with the internal raised dais being sensitively designed.

Historic England

3.6 Raises no objection in principle to the proposal subject to a number of conditions requiring further details to be submitted and for Heritage England to be consulted in relation to these. They object to the proposal for secondary glazing in the Council Chamber and express concern in respect of the proposed new internal glazed areas and the treatment of the internal dais within the Guildhall and its associated fixtures and fittings. The proposed secondary glazing has subsequently been deleted from

the scheme and the treatment of the internal glazed areas and internal dais within the Guildhall has been amended to address these concerns.

The Ancient Monuments Society

3.7 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Council for British Archaeology

3.8 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Georgian Group

3.9 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Society for the Protection of Ancient Buildings

3.10 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Victorian Society

3.11 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The 20th Century Society

3.12 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

3.13 30 Letters of objection and one letter of support have also been submitted in respect of the proposal. The following is a summary of the letters of objection:-

- Concern in respect of the impact of the loss of the existing dais and screen on the significance of the Guildhall Building;
- The design and location of the proposed additional doorway from the Guildhall Building to the glazed extension to the south east;
- The provision of a glazed draught lobby within the Guildhall Building;
- The formation of additional openings into the staircase hall leading to the Council Chamber.

3.14 Also the owner of 14 Lendal, the York Conservation Trust, objects to the proposal on the grounds of the clear adverse impact upon the existing building caused by the proposed scale, massing and palette of materials for the new build element of the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the Historic Character and Integrity of the Listed Building.

PLANNING POLICY CONTEXT:-

4.2 As set out in Section 2 above, the statutory test that applies means where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at paragraph 14 of the National Planning Policy Framework (NPPF) does not apply in these circumstances.

4.3 The legislative requirement of Section 16 is in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following:

-Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- Paragraph 131 advises 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.

- Paragraph 132 advises 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” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

- Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING COMPLEX:-

4.4 SIGNIFICANCE OF LISTED BUILDING COMPLEX:-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 I , 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. The wider complex also incorporates the official residence of the Lord Mayor in the Mansion House, an arrangement which dates back to the Medieval period and whose survival is unique in an English context. A number of high quality Victorian Gothic Interiors are preserved notably in the Council Chamber and its approaches.

4.5 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 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 brick work to match surrounding buildings with a standing seam profile bronze 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. A river source heat pump would be provided at the south west corner of the development and set within an existing window embrasure.

4.6 Significant internal works were initially proposed as part of the development including the fixing of secondary double glazing within the interior along with a number of internal glazed partitions. The internal secondary double glazing has now been removed from the scheme and the scale of the internal glazed partitions reduced. The internal dais within the Guildhall space was also to be relocated to accommodate a ramp behind with a new screen designed to accompany it with charring of the timber to pay reference to the significant damage to the building in 1942. A number of additional openings would be created internally notably into the staircase hall accompanying a new layout and seating arrangement. Additional doors would also be cut through the internal stone work and new internal lighting provided. New side fixed timber benching would be provided within the Guildhall and the existing interiors including the Victorian mosaic floors would also be cleaned.

4.7 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. In terms of internal works a series of additional glazed subdivisions are proposed together with a refurnishing of the Guildhall space and the adjacent staircase hall. Concern has been expressed in respect of both aspects notably in respect of the internal dais within the Guildhall and the associated screen. A re-designed screen has been submitted to address some of the concerns incorporating an abstract smoke etched pattern more closely reflecting 20th Century church architecture. The degree of alteration to the dais has also at the same time been lessened to create a space more reflective of its current form. It has in the meantime been agreed that the design of the screen, the dais and associated Civic space will be the subject of further resolution and will be the subject of a condition attached to any Consent. The internal secondary glazing which was an integral element of the scheme but which gave rise to significant concern has now been removed. The design of the new openings into the staircase hall, and the ante-room to the Council Chamber has also been amended. The applicant has agreed to delete the opening into the base of the main staircase at the location of the present reception. The new opening into the ante-room to the Council Chamber has also been simplified to create a simple undifferentiated opening that would not compete with complex detail of the adjacent Victorian interior.

4.8 The sum total of the proposed interventions to the building interior would give rise to less than substantial harm to the character and significance of the building.

4.9 In terms of the impact upon the building exterior there are three principle areas of concern. The most significant arises from the proposed northern extension designed to accommodate the proposed restaurant and office suites. It involves the erection of a three storey brick built structure within an area descending to the river bank formerly occupied by temporary structures. It has an idiosyncratic roof form incorporating a large dormer facing the river frontage with the roof configured in a profiled bronze 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. The applicant has agreed to amend the design further to deal with the concerns involving lowering the height of the feature window and adjusting its proportions and the design will be available for consideration at the meeting. 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. The roof lights and other fenestration have been redesigned to match more closely the existing situation and are now felt to be acceptable giving rise to only minor harm. Concern has also been raised in detail in respect of the design of the proposed rain water goods. The revised application details have addressed this issue and the amended design gives rise to only minor harm to the significance of the building and in the case of the new northern extension would be secured behind a low parapet wall.

4.10 The second element of impact in terms of the exterior of the building relates to the treatment of the Riverside and the formation of a river side garden to parallel the treatment of the opposite bank of the Ouse. Concern has been expressed in respect of the use of profiled glass sections as a balustrade material together with works to the existing river side wall which contains masonry elements of the former Medieval friary which partially encroached on to the present site. The use of glass would clearly be unacceptable in terms of its impact and has been replaced by a tanalised bronze railing which would closely follow the form of the treatment of the riverside gardens to the west of the Ouse accessible from North Street and would more effectively blend with the adjoining Listed Boundary wall. It is felt that the proposal as amended would give rise to only minor harm to the significance of the building. At the same time the location of the proposed river source heat pump that would be located within an existing window embrasure at the south western end of the building has been clarified. It is felt that it would give rise to minor harm to the significance of the building and would not be readily visible in long or short distance views from the west and south west.

4.11 The third element of impact in terms of the exterior of the building relates to 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 detail of the proposed fixings including their number and location has been clarified in respect of the amended submission and it is felt that they would now give rise to minor harm to the significance of the building subject to a condition being imposed to control fixing details.

4.12 The proposed interventions to the exterior of the building would give rise to a range of mostly minor and less than substantial harms to the significance of the building.

SUMMARY OF IMPACT ON LISTED BUILDING COMPLEX

4.13 An assessment as to the impact of the proposed development on the listed building complex, its setting and features of special architectural or historic interest which it possesses concludes that the proposed interventions to the building interior would give rise to less than substantial harm to the character and significance of the building. The proposed interventions to the exterior of the building would give rise to a range of mostly minor and less than substantial harms to the significance of the building.

4.14 Although the harm is assessed as less substantial, the local planning authority's statutory duty under Section 16 of the 1990 Act gives rise to a strong presumption against the grant of listed building consent and considerable importance and weight must be given to the harm in the planning balance despite it being less than substantial.

PUBLIC BENEFITS

4.15 Given that the development proposal will lead to less than substantial harm to the significance of the listed building complex, paragraph 134 of the NPPF requires that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, such harm still attracts considerable importance and weight by virtue of Section 16.

4.16 It is considered that the proposed works would secure a far greater degree of public interest in and usage of the site and would give rise to an on-going more economically viable mix of uses which would secure the long term future of the site and that this would amount to a substantial public benefit.

5.0 CONCLUSION

5.1 The Guildhall comprises a substantial Grade I, 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. Listed Building Consent is 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 The proposal seeks to undertake a series of significant interventions to both the interior and exterior spaces of the complex. The proposed internal alterations notably the alterations to the Guildhall itself with the internal dais and the staircase hall have given rise to some significant concern. The applicant has clarified and in places re-designed the scheme to address the areas of concern and further design development will take place in respect of the screen, dais and associated civic

space in particular. The entrance to the base of the staircase hall is to be deleted and the entrance to the Council Chamber ante-room has been simplified. At the same time the proposed screen and dais have been re-designed to more closely reflect the character of the space. With the external works the proposed balustrade along the river side has been re-designed to match that within North Street gardens and the proposed pattern of fenestration has been amended to simplify it and make it more reflective of the existing pattern. The location and design of the river source heat pump has also been clarified which would sit within an existing window embrasure at the south west of the building. The design of the roof form of the northern extension will also be re-designed prior to consideration at the meeting.

5.3 The proposal envisages a range of harms to the character and significance of the interior and exterior of the building. This gives rise to a statutory presumption against the grant of listed building consent. In order to give effect to the statutory duty under Section 16 of the 1990 Act, the Local Planning Authority should give considerable importance and weight to the desirability of preserving a listed building or its setting in the planning balance. When applying the policy test in paragraph 134 of the NPPF, the harm to the listed building complex is to be balanced against any public benefit arising from the proposal. The scheme envisages the provision of a range of uses that would increase public interest in and usage of the site as well as affording a significant degree of investment that would secure the future of the site. It is felt this would amount to a substantial public benefit. Having attached considerable importance and weight to the desirability of avoiding the harms identified to the listed building complex, it is concluded that these harms are clearly outweighed by the public benefits of the proposal. The proposal is therefore in the overall planning balance felt to be acceptable in planning terms and approval is recommended.

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

Application Reference Number: 16/01972/LBC

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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.P13 Proposed Ground Floor Plan
AL(0)1410.P7 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 Tower Demolition 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
AA(0)0116.P1 Proposed Guildhall Screen Detail Sheet 2
AA(0)0118.P1 Proposed Framing of Window on North Extension Study

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

3 No works hereby approved shall take place until a drawn and photographic recording scheme, including a work programme and timetable, has been submitted to and agreed in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved scheme. The scheme shall accord with Historic England's guidelines set out within 'Understanding Historic Buildings: A guide to good recording practice', republished in May 2016. The recording process shall include careful removal of finishes in affected areas so that details of any notable underlying wall paper, stencilling or paint finishes can be recorded. The scheme shall include provision for (but shall not be limited to):

(i) Prior to alteration, a level 2 drawn and photographic archaeological recording of the south wall of the Guildhall in its existing condition showing both internal and external elevations as a whole; and.

(ii) Prior to alteration, a level 2 drawn and photographic recording of the internal west wall of the Guildhall both before the proposed removal of the existing screen and dais, and following its exposure.

Reason:- To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the National Planning Policy Framework.

4 Prior to the commencement of internal refurbishment work a detailed scheme for the cleaning of all internal painting, woodwork and stone work shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth not be undertaken otherwise than in strict accordance with the details thereby approved.

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

5 Prior to the commencement of the internal refurbishment works full details of the proposed means of protection for the existing Victorian mosaic floors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the development thereby approved and the measures shall be kept in place for the duration of the re-development contract.

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

6 VISQ8 Samples of exterior materials to be app

7 VISQ7 Sample panel ext materials to be approv

8 Prior to alteration a level 2 photographic recording shall be carried out in accordance with Historic England guidance as set out in "Understanding Historic Buildings: a guide to good recording practice" May 2016. The recording process shall include careful removal of finishes in affected areas so that details of any notable underlying wall paper, stencilling or paint finishes can be recorded.

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

9 Notwithstanding the previously submitted application details, full details including cross sections at 1:5 and 1:20 of the proposed screen, dais and associated civic space including the design of fixed seating and other furniture for the Guildhall space shall be submitted to and approved in writing by the Local Planning Authority before internal refurbishment work commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the refurbished Later Medieval Guildhall Chamber being first brought into use.

Reason:- To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the National Planning Policy Framework.

10. No works hereby approved shall take place until a Method Statement (MS) has been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved MS. The MS shall include details of materials, construction techniques and finishes and shall provide for:

(i) The integration of new services such as heating, lighting, ICT within the Guildhall. Information shall be illustrated to show the type of fittings and equipment proposed and how the distribution of cabling and ductwork shall be hidden to avoid damage to the interior. The MS shall fully describe the sequence of alteration to the floor to insert under-floor heating, and how existing high quality flooring materials and other elements shall be protected during construction;

(ii) Reinstatement of the buttresses of the Guildhall north wall and exposing the stonework. The MS shall provide for the undertaking of trials to determine the best method for removing the plaster and leaving the stonework unharmed and for any subsequent making good required;

(iii) The recording, dismantling, and rebuilding of the muniment store. The MS shall include structural measures proposed.

(iv) The service strategies, and also any upgrading of elements for fire and acoustic performance. The MS shall describe any plant, distribution systems and outlet sources arising from the River Source Heat Pump and show how the impact on the building's interior, exterior appearance and fabric has been minimized; and.

(v) Protection for existing elements and finishes in areas where demolition works will be carried out.

Reason:- To safeguard the historic character and integrity of the Listed Building and to secure compliance with paragraph 133 of the National Planning Policy Framework.

11 No works hereby approved shall take place until full details of both hard and soft landscaping, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. These details shall include, inter alia, terraces, planters, ramps, steps, balustrades (save for the river side balustrade), gates, walls, compounds, bike racks, external lighting and CCTV. Development shall be carried out in accordance with the approved details and timetable.

Reason: To safeguard the character and appearance of the designated heritage

assets.

12 No works hereby approved shall take place until details of the items listed below have been submitted to and approved in writing by the Local Planning Authority and the works hereby permitted shall be carried out in accordance with the approved details.

(i) Details including sections at 1:5 and 1:20 of the river side balustrade and works to the existing river wall. Such details shall show, inter alia, how existing copings will be retained and re-set;

(ii) Full details showing the River Source Heat Pump in relation to the Guildhall, river walls and walkways;

(iii) Large scale details of the new opening and new doors in the south wall of the Guildhall. The details shall show how doors shall match the existing consistent door design within the hall. Within the hall details shall include chamfered mouldings to match other similar openings;

(iv) Full details for remodelling the Guildhall floor where the ramp will be introduced. Details shall include cross sections, handrails, and remodelling of the steps and surrounding flooring pattern and surfaces to accord;

(v) Large scale details of the replacement lobby at the east end of the Guildhall. Such details shall illustrate the abutment condition with the masonry wall. Proposals for making good any scars in the stonework shall also be provided;

(vi) Large scale details of any alterations to the "Munster balustrade" necessary to adapt it to its new location;

(vii) Full details of all new fittings, such as benches, attached to walls or floor of the Guildhall interior. Details shall include method of fixing;

(viii) Full construction details for the newly created slype space on the south side of the Guildhall, and the new glazed entrance lobby on the north side of the Guildhall.. Such details shall include details of the clerestory, gutter, rainwater goods, and doors .Detailed sections at 1:20 and 1:5 shall show connection details between the newly created glazed areas and existing masonry. Large scale details shall show how the impact of fixings and the solid appearance of the connecting elements have been minimized. Full details of all other fittings adjacent to the external walls of the Guildhall wall shall be included, including benches, sleeves/linings;

(ix) Large scale details of the new opening within the stair vestibule and lobby of the Municipal Offices;.-

(x) Full details of the new extension to the south annex. Such details shall explain the abutment details, alterations to the existing roof structure and the resultant effect on the interior space, new and altered openings, including all roof-lights;

(xi) Large scale details of new openings and new windows in the north gable wall of the Guildhall annex. Windows shall be shown in context;

(xii) Selected bay details of the replacement north annex, the glazed link and the new north extension. Such details shall illustrate the articulation of the facades (including but not limited to oriels/balconies/balustrades/soffits/eaves/parapets etc), the relationship between elements and the detailed design quality. The areas selected shall be first agreed with the Local Planning Authority in writing. Each area shall be drawn out in plan, section and elevation at 1:20 with details of verge, eaves and reveals drawn out at 1:5;

(xiii) Door and window schedules shall be provided identifying in full proposed alterations to existing windows and doors (including for fire, acoustic and DDA purposes), and also fully describing new doors and windows. The schedule shall be supplemented by annotated illustrations explaining the alterations. The schedule and accompanying illustrations shall include full details of window alterations required to accommodate the River Sourced Heat Pump and full details of the "brick faced" jib door.

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

7.0 INFORMATIVES:

GUILDHALL YARD:-

The applicant's attention is drawn to the need to arrive at alternative on-going management arrangement for the usage of the Guildhall Yard including the on-going provision of alternative car parking for the Mansion House that takes clear account of the needs of all users

Contact details:

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16/01972/LBC

The Guildhall, Coney Street



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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	06 February 2017
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 February 2017 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 16/02812/FULM
Application at: Rosti Automotive, Stamford Bridge, The Warehouse, Stamford
Bridge Road, Dunnington, York
For: Extension to existing warehouse
By: Rosti Automotive Stamford Bridge
Application Type: Major Full Application (13 weeks)
Target Date: 21 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The Warehouse (formerly House of James) comprises a substantial profiled steel clad warehouse building lying in an open-countryside location within the York Green Belt to the east of the City Centre and accessed from the A166. The building is presently used as an intermediate storage facility for a major component supplier for Jaguar/Land Rover cars. Planning permission ref:- 12/01259/FULM has previously been given for erection of a loading bay extension to facilitate the efficient operation of the site. Planning permission is now sought for the erection of a 1,430 square metre extension to the west of the existing warehouse to provide additional storage for components for Jaguar/Land Rover cars.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CGP15A - Development and Flood Risk

CYGP9 - Landscaping

CYGB1 - Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL:-

Public Protection

3.1 Raise no objection to the proposal.

Highway Network Management

3.2 Was consulted with regard to the proposal on 21st December 2016. Views will be reported orally at the meeting.

Strategic Flood Risk Management

3.3 Was consulted with regard to the proposal on 21st December 2016. Views will be reported orally at the meeting.

Planning and Environmental Management

3.4 Express concern with regard to the scale and location of the proposed extension within a prominent location within the Green Belt and object to the proposal in the event that no case for "very special circumstances" can be demonstrated to justify the proposal in Green Belt terms.

EXTERNAL

Murton Parish Council

3.5 Were consulted in respect of the proposal on 21st December 2016. Views will be reported orally at the meeting.

Yorkshire Water Services Ltd

3.6 Were consulted in respect of the proposal on 21st December 2016. Views will be reported orally at the meeting.

The Foss (2008) Internal Drainage Board

3.7 Raise no objection in principle to the proposal subject to the submission and prior approval of a detailed surface water drainage scheme.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon the visual amenity of the surrounding landscape;
- Safeguarding the local economy/employment.

STATUS OF THE YORK DEVELOPMENT CONTROL DRAFT LOCAL PLAN (2005 4th SET OF CHANGES)

4.2 The York Development Control Local Plan (DCLP) was approved for Development Control purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

STATUS OF THE EMERGING LOCAL PLAN

4.3 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the National Planning Policy Framework (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. 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).

PLANNING POLICY CONTEXT

4.4 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. The NPPF states that when considering development proposals in the Green Belt Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other

harm, is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also of relevance in this respect. 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 in Green Belt locations.

4.5 SAFEGUARDING LOCAL ECONOMY/EMPLOYMENT:- Central Government Planning Policy as outlined in paragraph 21 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight to the safeguarding of existing business sectors particularly when expanding as well as planning positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high tech industries.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT

4.6 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as Green Belt.

4.7 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.8 The site serves number of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York.

4.9 As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF. Additionally, Policy GB1 of the DCLP (2005) sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one

of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry.

4.10 The application site has for some years been used to provide intermediate storage for small manufactured components for use in motor vehicle assembly first on a contract basis under House of James and subsequently Potter Group and more recently directly for Rosti Automative. The premises lie at an intermediate location between the component supplier's manufacturing plants at Pickering and Stamford Bridge and the location of vehicle assembly primarily in the West Midlands. The components have been particularly used in the assembly of "high end" models such as the Range Rover Evoque. The proposed additional floor space is seen as necessary following on from a reconfiguration of production activities with a greater emphasis being placed upon the Stamford Bridge plant where there is less available on site storage.

4.11 The proposal envisages the erection of a 1,230 sq metre extension in green painted profile metal cladding directly to the west of the existing warehouse. The site lies at the foot of a prominent ridge carrying the York to Stamford Bridge Road directly to the east of the City. It is highly prominent in the open rolling agricultural landscape particularly in views approaching from the east. The area of the proposed extension is less prominent on account of the level of road side landscaping directly to the west of the site and a disused railway cutting associated with the Derwent Valley Light Railway. The site of the extension is only really visible in a glimpsed view directly to the west of the site access. The proposal envisages the relocation of the existing landscaped bund to the west of the complex to accommodate the new development. The proposal would give rise to some less than substantial harm to openness by extending the form of development into open countryside to the North West albeit in a modest fashion. At the same time the proposal would give rise to a modest level of encroachment into open countryside although it would not give rise to any material harm to the setting of the historic city.

4.12 The proposal falls within the forms of development that are identified by the NPPF as being by definition inappropriate development within the Green Belt. This creates a requirement within paragraph 88 for "very special circumstances" that would clearly outweigh any harm to the Green Belt resulting from the development by reason of inappropriateness and any other harm. Substantial weight is to be given to any harm to the Green Belt. Whether very special circumstances exist to clearly outweigh the identified harms to the Green Belt and any other harm is assessed from paragraph 4.15 of this report.

IMPACT UPON THE VISUAL AMENITY OF THE SURROUNDING LANDSCAPE

4.13 The application site lies at the foot of a prominent slope running south west/north east directly to the east of the built up area of the City. The main A166 York to Beverley road runs at the top of the slope and the existing building to be

extended lies directly to the north east of the alignment of the former Derwent Light Railway. It is constructed to a uniform pattern of scale and massing in dark green painted profile steel cladding at 90 degrees to the road way. The site is visually prominent in views from the east and north east from the open countryside and from the A166 west bound heading towards the City Centre. The proposed extension would be to the western elevation of the building which is largely shielded in views from outside of the site by the local topography and the landscaping of the alignment of the former Railway. It would only be directly visible in a glimpsed view from the former site of the level crossing for the Railway over the A166. The proposal envisages the relocation of the existing landscaped bund to accommodate the extension and it is felt that any impact arising from the proposal upon the surrounding landscape would be modest.

SAFEGUARDING THE LOCAL ECONOMY/EMPLOYMENT

4.14 Central Government Planning Policy as set out in the National Planning Policy Framework paragraphs 21 and 28 sets out a requirement to support existing business sectors and to support the sustainable growth and expansion of all types of business and enterprise in rural areas. The application site has been used as a warehousing and distribution hub since its initial permission in the late 1980s and has developed close links with local businesses as well as supporting a range of local employment. In recent years the site has been used for the distribution of motor components manufactured at plants in Pickering and Stamford Bridge and is now solely used for that purpose. The long term future of the operation and the employment it supplies has thereby been secured. Detailed information has been submitted by the applicant which clearly demonstrates that there are no readily suitable sites in the locality. As such the proposal is supported to secure compliance with paragraphs 21 and 28 of the NPPF.

VERY SPECIAL CIRCUMSTANCES - ASSESSMENT OF THE OTHER CONSIDERATIONS FORWARDED BY THE APPLICANT

4.15 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt and any other harm so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.16 The applicant has submitted a case for "very special circumstances" based around the business model which has involved recent expansion and the principal markets of the manufacturing plant at Stamford Bridge. This is supplemented by an analysis of suitable alternative sites for the facility and their location relative to the strategic road network. From the research it is concluded that no suitable alternative sites are presently available with the only site of the required size to where the facility could be relocated immediately being at Sherburn in Elmet which is poorly

located relative to the two manufacturing plants at Pickering and Stamford Bridge. The site presently has 12 full time employees and the proposal if implemented would secure their long term prospects.

4.17 It is therefore felt that a case for "very special circumstances" can be demonstrated which overcomes any harm to the Green Belt by reason of inappropriateness, and any other harm identified (see 4.11 above) , as required by paragraph 88 of the National Planning Policy Framework.

5.0 CONCLUSION

5.1 The development represents inappropriate development within the Green Development which by definition is harmful to its character as well as giving rise to less than substantial harm to the openness and giving rise to a degree of encroachment into open countryside. In the planning balance, substantial weight is attached to the harm that the proposal would cause to the Green Belt in accordance with paragraph 88 of the NPPF. In addition, the proposal would have a modest adverse impact on the visual amenity of the surrounding landscape.

5.2 The applicant has submitted a case for "very special circumstances" to seek to out weigh the harm caused to the Green Belt by reason of inappropriateness and any other harm as required by paragraph 88 of the National Planning Policy Framework. This concentrates on the usage of the facility as an intermediate component storage facility for a major motor component manufacturer who has a long running supply contract with Jaguar/Land Rover in the West Midlands. For an intermediate storage facility there are very specific locational requirements in terms of relationship to the host manufacturing site and the strategic highway network. At the same time the applicant has provided detailed information to demonstrate that the proposed extension to the facility could not reasonably be accommodated at either of the two local manufacturing plants and a detailed site search exercise which demonstrates that no other suitable non-Green Belt sites are available. It is felt that subject to appropriate landscaping the impact of the proposal upon the local landscape would be minimal and that the provision of the extension would safeguard local employment in the area.

Having attached substantial weight to the harm to the Green Belt in the overall planning balance, it is considered that the considerations in support of the proposal are of sufficient weight to clearly outweigh all the harms identified so as to amount to the very special circumstances necessary to justify an exception to Green Belt policy in this case. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

Application Reference Number: 16/02812/FULM

Item No: 4d

1 TIME2 Development start within three years

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

Drawing Refs:-5300/10; BS2870-06; BS2870-05 A.

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

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences above foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

4 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 the construction of the development above foundation level. 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.

5 No development shall take place above foundation level 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.

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7 No development the subject of this permission shall be commenced above foundation level until the Local Planning Authority has approved a scheme for the provision of surface water drainage works for the development site. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the development is first brought into use.

Reason:- To ensure that the development is provided with satisfactory means of surface water drainage whilst reducing the risk of flooding to the surrounding area.

8 The development hereby approved shall only be used for warehousing in conjunction with the existing use at the site and for no other purpose, including any other purpose permitted by Class B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, and for which very special circumstances to clearly outweigh the harm to the Green Belt created by the inappropriate development have not been demonstrated.

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:

Clarification of the search exercise undertaken to identify possible alternative sites.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

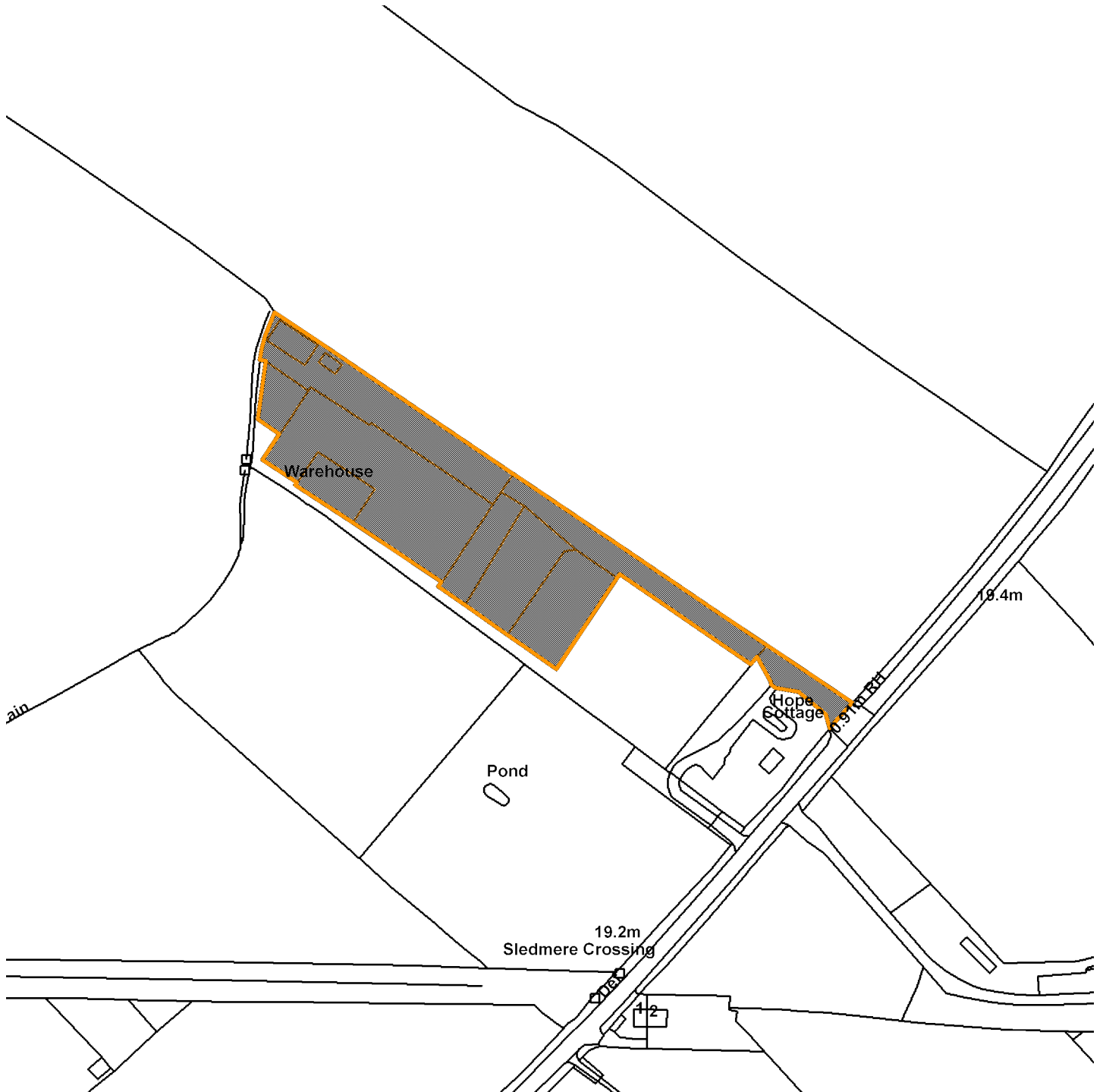
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16/02812/FULM

Rosti Automotive Stamford Bridge, The Warehouse, Stamford Bridge Road



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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	06 February 2017
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