

COMMITTEE REPORT

Committee: West/Centre Area
Date: 19 April 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 06/02662/FULM
Application at: Practical Car _ Van Rental Tanners Moat York YO1 6HU
For: Six storey extension to existing building to create office development and three storey new build office block
By: LYPS
Application Type: Major Full Application (13 weeks)
Target Date: 25 April 2007

1.0 PROPOSAL

1.1 This application proposes office development at two sites:

Site A - a 3-storey new build office block (287 squ. m.) on an open site on Tanners Moat adjacent to the Norwich Union building, and
Site B - a 6- storey new build office development (865 squ. m.) abutting the former Blackfriars House building.

The sites form part of a cluster of office buildings on the south bank of the river that lie in the Central Historic Core Conservation Area and in an area. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYGP1 Design

CYGP4A Sustainability

CYGP11 Accessibility

CYGP15 Protection from flooding

CYSP10 Strategic Windfalls

CYT4 Cycle parking standards

CYE4 Employment devt on unallocated land

3.0 CONSULTATIONS

PUBLICITY DATES/ PERIODS

Neighbour Notification- Expires 2.3.2007

Site Notice- Expires 21.2.2007

Press Advert- Expires 14.2.2007

13 WEEK TARGET DATE- 25.4.2007

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Cycle parking provision is inadequate and is not an acceptable design to comply with the Council's recommended standards. Site A is adjacent to a private car park access and the proposed building would overhang this entrance at first floor level. This would result in very poor vehicle versus pedestrian visibility as they emerge onto the public highway and it is recommended that the building be relieved at ground floor level to give an effective 2m x 2m pedestrian visibility splay at the junction of the car park access with the public highway. There are no objections to the proposal subject to the imposition of relevant conditions.

YORK CONSULTANCY- DRAINAGE

3.2 The development is in high risk Flood Zone 3 and is at risk of river flooding. The applicant has been advised that the submitted flood risk assessment contains possible errors and correction, and therefore cannot be approved at this stage. A revised flood risk assessment has not been received at the time of writing the report and Members will be updated at the meeting if required.

URBAN DESIGN AND CONSERVATION – ARCHAEOLOGY

3.3 The two sites lie in the central AAI in an area where very important archaeological remains have been excavated in the recent past. The application site

lies in the vicinity of three recent excavations- the General Accident(now Norwich Union) site in Wellington Row excavations between 1988 and 1990, 5 Rougier Street in 1981, and at 24-30 Tanner Row. These have indicated that there are very well preserved deposits dating from the Roman period. These deposits are located at between 2m and 3.5m below the current ground surface. These deposits are extremely important and must be preserved in-situ. Excavation at Wellington Row did reveal that post-Roman deposits survive at less than 1m below the present surface. The applicant has not submitted any archaeological information to support the application and the following is required: an archaeological desk-based assessment (dba) of the area around and including the application site; a recommendation in the dba as to whether an archaeological evaluation will be required at this stage; and a statement saying what measures will be taken to mitigate any damage to archaeological deposits and what steps will be taken to meet the policy requirements of Policy HE10 of the Local Plan. The applicant has been advised and no report has been received.

URBAN DESIGN AND CONSERVATION – DESIGN

3.4 Proposals lie within the Central Historic Core Conservation Area adjacent to the main approach road into the city from the station. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

3.5 Site A was previously built on. It is now an unsatisfactory open corner plot which includes blank brick walls and a refuse collection area. A new building of the mass and height proposed could potentially enhance the conservation area here. I would be concerned though about any increase in height in this location as it would remove views of the spire of All Saints' Church (grade 1) in North Street. This reminder of the historic fabric beyond is particularly important on the route into the city.

3.6 The architectural quality of the building (site A) is difficult to judge from the drawings. Horizontal window banding is not usual in York and we usually discourage the use of stone on buildings of more prosaic use. The proximity of the 1980's stone office building with strident horizontal fenestration though offers a reference. With a reduced glazing to stone ratio and the introduction of stone mullions (copying the neighbour) the building might not appear out of context.

3.7 Site B retains the entrance of the former horse and carriage repository - an idiosyncratic C19th building of polychromatic brickwork with large ogee arched access and substantial modelled and rhythmic structure above. Proposals would convert the remaining structure into two floors of office space and add a further six floors. This would disrupt the existing low and consistent eaves height of the existing block of buildings. It would be difficult to support any increase in height of Site B. However, there is a precedent which allows some sort of visualization of the impact of a taller structure on adjacent properties, however there has been a significant change in context since its demolition.

3.8 The existing massing allows a generosity of space between the pedestrian thoroughfare, including the wall walk, and the taller buildings. It also enables the stone and bronze façade of the 1960's Norwich Union office block to be revealed as one leaves the city. This building is worthy for its time and representative of its age.

3.9 The façade of the proposed office block (site B) has been designed with reference to the materials proportion and scale of the existing structure on site. If realized as intended, the front façade would offer a worthy replacement of the bleak view of the stair tower of former Blackfriar's House. However it is the three dimensional impact of the structure which is of concern, in particular the side elevations and roof. This tall slim structure is rather deep on plan and has plainer side elevations and a flat roof. As it would be intruding on the existing openness in this area the structure as a "designed object" should offer something for what it is taking away. So the roof should be modelled and the side elevations given equal consideration architecturally. In addition the structure should be lowered by one floor to allow this roof modelling not to over dominate neighbouring buildings.

3.10 Should the scheme for plot B be reconsidered we would urge the retention of the wrought iron gates and we would wish to see the structure (probably steel frame) shown on the ground floor plan and accompanied by an engineer's report concerning the impact of the additional weight on adjacent properties.

3.11 Proposals in their current form do not preserve or enhance the character and appearance of the conservation area.

CITY DEVELOPMENT

3.12 The two sites were previously used as employment sites, but are now considered to be derelict. The sites have no specific land use allocation in the Draft Local Plan (April 2004). They fall within the City Centre Area of Archaeological Importance, the Central Historic Core Conservation Area, and Flood Zone 3. No policy objection is raised provided design, archaeological, flooding, access and parking issues are resolved.

EXTERNAL CONSULTATIONS

MICKLEGATE PLANNING PANEL-

3.13 Do not object but make the following comments-

- a. The tall building above the ' horse depository ' is alright but could be a storey lower to fit in with surrounding buildings
- b. The lower building facing Lendal Bridge is of a very poor quality and needs to be redesigned
- c. To compare the tall building with the Edwardian predecessor is inappropriate

BRITISH WATERWAYS

3.14 No comment to make as the proposal is located within the buffer zone and would have no impact on the waterway.

ENVIRONMENT AGENCY

3.15 The Agency objects as-

- a. The ground floor level must be raised to a minimum of 11mAOD and/or that water compatible uses according to PPS25 be incorporated at ground floor level. The proposed development is unacceptable as the existing flood defences do not provide the standard of protection appropriate to safeguard the proposed development.
- b. The Flood Risk Assessment requires to contain a clear commitment that water compatible development will be incorporated on the ground floor. The Agency would strongly object to any future change of use to the ground floor to a more vulnerable flood risk use.
- c. The applicant is required by PPS25 to apply a flood risk sequential test as developments should be steered to areas of the lowest probability of flooding and the sites fall within an area of high flood probability, and there is no evidence that this has been carried out.

CONSERVATION AREA ADVISORY PANEL

3.16 Object to the massing and height of the taller structure and considered it to be at least 2 storeys too high. The lower building at Site A should relate more to the existing buildings with more regular fenestration, the materials are inappropriate, and the design is not favoured by the Panel.

ENGLISH HERITAGE

3.17 The sites form part of a group of office buildings that are prominent, highly visible, and have an important contribution to the skyline, river frontage, and the historic core. Advise that further work is required to demonstrate the impact of the tall structure at Site B on the townscape and skyline of York, more detailed elevations are required in order to judge the impact of the side elevations on views from Lendal Bridge and the City Walls, further design work needed for Site A given the need for it to fit with the more domestic buildings in Tanners Moat. Consider that Site B structure is a couple of storeys too tall in terms of proportions and relationship with the tall neighbouring buildings, although supportive of the design approach based on historic references. Less convinced about the design approach at Site A and the compatibility with the adjacent buildings and the street scene of Tanner's Moat., especially the height. A couple of additional floors to Site A may improve its relationship with the still exposed side elevation of 7-9 Rougier Street and may be worth considering.

YORK CIVIC TRUST

3.18 Site A- Building is poorly designed, totally unworthy of a prominent position overlooked by approach to Lendal Bridge and clearly visible from the City Walls. Consider that no small alteration to this building could convert it into a building suitable for this location.

3.19 Site B- The upper storeys of this building were demolished in the early 1960s and an attempt to have it listed failed. Surviving ground floor warehouse makes little sense as it stands today. Proposal aims to emulate some of the remaining features of the Horse Repository- arched topped windows, use of contrasting bricks and tile to match ground floor. Main concern is that the surroundings on Tanners Moat and Rougier Street have changed dramatically since the demolition of the decorative Repository. Considered to be too high when seen in the context of the adjacent Norwich Union building, a reduction of a storey would provide a better contrast with this building and with Blackfriars House. The Civic Trust would like to comment on the effect of this reduction in a clearer presentation before reaching a clear view of this part of the proposal.

OTHER REPRESENTATIONS

3.20 A letter has been received on behalf of the owner (Mrs Adams) of the adjacent Maltings Public House. Whilst there is no objection in principle to the development, the following concerns are raised-

- a. Mrs Adams has a right of way down the right hand side of the property to gain access to a door near the back of the pub.
- b. The vents on the side of the Maltings should not be obstructed
- c. Mrs Adams would not agree top any building constructed against the Maltings
- d. Mrs Adams owns the air space above the Maltings and has not reached any agreement with the developers in this respect .

4.0 APPRAISAL

RELEVANT PLANNING HISTORY

03/01772/FUL Change of use of former car showroom and premises at Tanners Moat and 7-9 Rougier Street to temporary car park. PER 21.8.2003

ADDITIONAL PLANNING POLICY AND GUIDANCE

Planning Policy Guidance 13: Transport
Planning Policy Guidance 15: Planning and the Historic Environment
Planning Policy Guidance Note 16: Archaeology and Planning
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 6: Planning for Town Centres
Planning Policy Statement 25: Development and Flood Risk

Policy E4, North Yorkshire County Structure Plan
Policy I12, North Yorkshire County Structure Plan

KEY ISSUES

1. Land Use
2. Design/ Impact on the amenity and character of the conservation area
3. Impact on archaeological remains
4. Flood risk

5. Cycle parking provision and access
6. Residential amenity

ASSESSMENT

LAND USE

4.1 The proposed office use would fall within Class B1 of the Use Classes Order, 2005. It is noted that both sites were previously used as employment sites and are unallocated in the Draft Local Plan (April 2004). It is considered that the proposed use would be acceptable and would accord with Policies I12 of the North Yorkshire County Structure Plan and Policy E4 of the Local Plan that encourage the principle of new business uses in the built-up area on vacant, derelict or underused sites and by infilling, extending, redevelopment or conversion, provided there would be no harmful impact on material considerations.

DESIGN/ IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.2 The proposals lie within the Central Historic Core Conservation Area adjacent to the main approach road into the city from the station. The immediate area has developed as an office hub with buildings of large scale and civic pretension. The taller structures form a strong enclosing wall around the lower historic structures of more domestic character onto Tanners Moat. The corner building onto Rougier St is listed at grade 11 (15-17 Rougier St). Lendal Bridge which defines the other side of Tanners Moat is also listed grade 11.

4.3 Site A was previously built on. It is now an unsatisfactory open corner plot which includes blank brick walls and a refuse collection area. A new building of the mass and height proposed could potentially enhance the conservation area here. The comments of English Heritage in regard to the building are noted however officers consider that any increase in height in this location would remove views of the spire of All Saints' Church (grade 1) in North Street. This reminder of the historic fabric beyond is particularly important on the route into the city and its loss would harm the character and appearance of the conservation area.

4.4 The architectural quality of the building (site A) is difficult to judge from the drawings. Horizontal window banding is not usual in York and we usually discourage the use of stone on buildings of more prosaic use. The proximity of the 1980's stone office building with strident horizontal fenestration though offers a reference. With a reduced glazing to stone ratio and the introduction of stone mullions (copying the neighbour) the building might not appear out of context. However as presented in the application the design of the elevations is considered to harm the character and appearance of the conservation area.

4.5 Site B retains the entrance of the former horse and carriage repository. The proposals would convert the remaining structure into two floors of office space and add a further six floors. This would disrupt the existing low and consistent eaves height of the existing block of buildings. The existing massing of this building allows a generosity of space between the pedestrian thoroughfare, including the wall walk,

and the taller buildings. It also enables the stone and bronze façade of the 1960's Norwich Union office block to be revealed as one leaves the city. This building is worthy for its time and representative of its age.

4.6 The façade of the proposed office block (site B) has been designed with reference to the materials proportion and scale of the existing structure on site. It is accepted that if realized as intended, the front façade would offer a worthy replacement of the bleak view of the stair tower of former Blackfriar's House.

4.7 However it is the three dimensional impact of the structure which is of concern. The significant mass would be prominent from views from the historic core of the city, from the main approach over Lendal Bridge, and views from the city walls and the river, radically altering the skyline and townscape. It will extend across the views of the Norwich Union Building with a prominent side elevation that would detract from the appearance of this distinctive building in the street scene to the harm of the conservation area. At the moment, the tall building of Blackfriars House is set back and the introduction of this high mass would dwarf the scale of the three very distinctive but low rise buildings on Tanners Moat that provide a very valuable visual function of reducing the impact of the surrounding tall buildings. It is considered that the proposal would be harmful to the skyline of the area and fails to respect the local townscape.

4.8 The proposals would therefore conflict with Policy HE2 (Development in Historic Locations) of the Local Plan which requires that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials; E4 of the Structure Plan which affords the strictest protection to areas of special townscape interest; and national planning guidance contained in Planning Policy Guidance Note 15 " Planning and the Historic Environment. "

4.9 The comments of English Heritage, the Conservation Area Advisory Panel and the Civic Trust in respect of building B are noted. It is recognized that a tall building existed on this site in the past. However the upper storeys were demolished in the 1960s, since when a new urban form has developed with the taller buildings on Rougier Street, adding to this complex of taller buildings to the detriment of the appearance and setting of adjacent historic buildings and views from the bridge and walls is not considered to be appropriate.

4.10 Even if the pre-existing structure was considered to be a compelling justification for a tall building on this site there would remain concerns regarding the three-dimensional impact on the conservation area in particular the side elevations and roof. This tall slim structure is rather deep on plan and has plainer side elevations and a flat roof. As it would be intruding on the existing openness in this area the structure as a "designed object" should offer something for what it is taking away. For example the roof should be modelled and the side elevations given equal consideration architecturally. In addition a lower structure would allow this roof modelling not to overdominate neighbouring buildings. However design changes would not in officer's view, overcome the significant in principle objections to the height and mass of the proposed building in this location.

IMPACT ON ARCHAEOLOGICAL REMAINS

4.11 The sites lie in the City Centre Area of Archaeological Importance in an area where very important archaeological remains have been excavated in the recent past. It is a requirement under Policy HE10 of the Local Plan for any application that involves disturbance of existing ground levels the applicant must provide a field evaluation to be approved by the Council, to assess the extent and importance of any archaeological remains. This requirement is supported by Planning Policy Guidance 16 " Archaeology. " As the applicant has failed to submit the necessary information, the proposed developments would be clearly contrary to adopted planning policy and cannot be supported.

FLOOD RISK

4.12 The application site is within Flood Zone 3 as defined on the Flood Zone map published by the Environment Agency, and is therefore at high risk of flooding. The proposed development incorporates ground floor office use which would be at risk of rapid inundation should flooding of the surrounding area occur. This proposed use is considered to be a vulnerable use by the Environment Agency and the proposal would conflict with Central Government advice in Planning Policy Guidance Note 25 " Development and Flood Risk", which states that the susceptibility of land to flooding is a material consideration in the determination of planning applications, and with Policy GP15 of the City of York Draft Local Plan, which states as follows:

" When determining planning applications, account will be taken of any increased risk of flooding that a development may cause. Any proposed development in areas which regularly flood will be required to be designed so as to minimise the risk of flooding on the development and surrounding areas"

The developer would be required to raise ground floor levels to a minimum of 11mAOD and/or that water compatible uses according to PPS25 be incorporated at ground floor level. The Flood Risk Assessment would have to include a clear commitment that water compatible development will be incorporated.

4.13 The applicant was informed of these issues and amended plans have been received from the applicant. The ground floor has been moved to 11mAOD resulting in-

Site A- Loss of ground floor amenity, use only as an entrance, storage, cycle or car parking. The office/lettable office space would be reduced by 560 squ. ft.

Site B- The introduction of a mezzanine floor level to negate the loss of lettable floor area that would occur by uplifting the entrance level.

Comments on these plans are awaited from the Environment Agency and the Council's Drainage Section. Members will be updated at the meeting.

CYCLE PARKING PROVISION AND ACCESS

4.14 In the originally submitted plans, neither of the proposed office blocks included on-site car parking facilities within the buildings. The amended plans that have been received that address the requirement for less vulnerable uses on the ground floor now incorporate a proposal for possible parking at Site A. Both sites are convenient for bus and train transport and business permits for parking on the street in the Respark Zone would not be permitted if the development was approved. There is also motor cycle parking and on-street metres in the vicinity of the application site and the sites are also convenient for cycle routes. The proposed form of cycle storage is for " Hook and Hang " spaces which can be difficult for all cyclists to use due to the effort required to park the cycle. It is also noted that the provision for cycle parking in both buildings would be under-provided by one space. The Highway Authority raises no objections to this under provision but would request that cycle storage details be altered to the Highway Authority's standard recommended design based on the "Sheffield" style of cycle stands. If Members approved the application, the applicant would be required to submit a travel plan in line with local and national guidelines for approval.

RESIDENTIAL AMENITY

4.15 It would appear that the upper floors of the property at the corner of Tanners Moat with Rougier Street are in residential use. Similarly the owner of the Maltings has a first floor flat with a small roof terrace that would be affected by the development at Site B. The massing of the structure would have a greater impact on the small roof terrace. It is already affected by an existing parapet wall that abuts its rear and side boundaries and it is considered ,on balance, that the additional harm would not seriously detract from the enjoyment of this area.

5.0 CONCLUSION

5.1 The proposed buildings are considered to harm the character and appearance of the conservation area and as such are considered to be contrary to Local Plan policy HE2 and Structure Plan policy E4.

The application has not been supported by the necessary archaeological information and is therefore contrary to Local Plan policy HE10 and the Government Guidance contained within PPG16 "Archaeology".

In the absence of updated comments from the Environment Agency regarding the acceptability of the revised drawings in relation to the Flood Risk Assessment the development is considered to have not satisfied the provisions of Local Plan policy GP15a or Government Guidance contained within PPS25 "Development and Floodrisk".

The application is therefore recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The application site is within Flood Zone 3 as defined on the Flood Zone map published by the Environment Agency, and is therefore at a high risk of flooding. The applicant has failed to provide a satisfactory flood risk Sequential Test as required by Planning Policy Statement 25 that ensures that decision-makers steer new development to areas at the lowest probability of flooding. The proposed ground floor office use would be a vulnerable use in terms of flood risk and it is considered, therefore, that the proposal would conflict with Central Government advice in Planning Policy Statement 25 "Development and Flood Risk" and with Policy GP15 of the City of York Draft Local Plan, which states as follows:

" When determining planning applications, account will be taken of any increased risk of flooding that a development may cause. Any proposed development in areas which regularly flood will be required to be designed so as to minimise the risk of flooding on the development and surrounding areas"

- 2 As the site lies in the City Centre Area of Archaeological Importance, it is a requirement under Policy HE10 of the Local Plan for any application that involves disturbance of existing ground levels that the applicant must provide a field evaluation to assess the extent and importance of any archaeological remains for the approval of the Local Planning Authority. This requirement is supported by Planning Policy Guidance 16 " Archaeology. " The applicant has failed to submit the necessary information and the proposed office developments would be clearly contrary to this adopted planning policy and guidance.
- 3 The proposed building on site A, because of the detailed design of its elevations in particular the use of horizontal band glazing, the glazing to stone ratio and the use of materials would appear out of context with its surroundings and would therefore harm the character and appearance of the conservation area.

The proposed building on site B, because of its height, massing and detailed design would appear in important views from Lendal Bridge and the City Walls as an unduly prominent and incongruous addition to the townscape and out of scale with its immediate neighbours on Tanner Row, as such the building is considered to be out of context with the historic townscape and harmful to the character and appearance of the conservation area.

The proposals are therefore contrary to the following policies:

E4 of the North Yorkshire County Structure Plan which affords the strictest protection to areas of special townscape, architectural or historic interest; and,

Policy HE2 of the City of York Development Control Local Plan which states that development proposals in conservation areas must respect adjacent buildings, open spaces, landmarks and settings and have regard to local

scale, proportion, detail and materials, and requires that proposals maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character and appearance of the area.

The proposals are also considered to be contrary to Government policy contained in PPG15 (Planning and the Historic Environment) which states that new buildings should be designed to respect their setting, following fundamental architectural principles of scale, height, massing and alignment and use appropriate materials and PPS1 (Delivering Sustainable Development) which states that new development should add to the overall character and quality of the area and be well integrated into the existing environment.

7.0 INFORMATIVES:

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