

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00115/FUL
Application at: Former Waterworks Engine House Museum Street York
For: Change of use of Engine House to form restaurant (Class A3), 1 no. apartment and leisure suite; erection of extension to form restaurant dining room; new outdoor terrace; new railings, gates and steps (resubmission)
By: Mr Ian McAndrew
Application Type: Full Application
Target Date: 19 March 2008

1.0 PROPOSAL

The site

1.1 The application site is located in the southeast corner of Museum Gardens, fronting onto the River Ouse; it consists of the former Engine House at the rear of Lendal Tower/Lendal Hill House, the detached public toilet block immediately to the west, and an area of adjacent land.

1.2 The site is within the Central Historic Core conservation area. The Engine House is a Grade II listed building. The Museum Gardens are designated as open space in the Local Plan, they are also a grade II registered historic park and garden and within the Scheduled Ancient Monument of St Mary's Abbey. As such Scheduled Ancient Monument Consent is also required for the proposed works (Determined by The Secretary of State in association with English Heritage).

1.3 The original Engine House building was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The building has been subject to extensions. It was last used as offices, and has been vacant since 1999.

The proposals

1.4 The application is to convert and extend the Engine House. It forms the second phase of development proposals by the Lendal Tower Venture, the first phase being the conversion of Lendal Tower and Lendal Hill House into residential dwellings.

1.5 It is proposed to convert part of the Engine House to a two bed apartment (on two floors) together with an associated leisure suite. The remainder of the Engine House would be converted to kitchen and dining facilities associated with a new restaurant building, part of which would be located within a glazed extension on the western side of the building, located where the toilet block presently sits. More

recent lean-to extensions at the north side of the Engine House are to be demolished along with the public toilets.

1.6 The public toilet block incorporates facilities for boat users, including toilets accessed by a British Waterways key, a boat sluice and a water supply. Replacement facilities are proposed within the development - a toilet (to disabled standards) available for use by the general public adjacent to the restaurant entrance lobby, a boat sluice/refuse area located at the rear of the leisure suite and a water point adjacent to The Esplanade.

1.7 The restaurant extension would be attached to the Engine House by a subordinate glazed link, creating a separation distance of around 1 metre between the buildings. It would provide dining on two-levels. An outside dining terrace would be formed in front of the restaurant extension abutting the flank wall of the Engine House, overlooking the river. The building would be glazed on all elevations; it would have an overhanging butterfly roof (of zinc) supported by timber columns and beams. The structure would be slightly lower in height than the Engine House; the maximum height would be about level with the beginning of the parapet wall around the engine house roof.

1.8 The restaurant extension would be accessed from the Museum Garden side via a path which would run along a sight line directed to the North Street Postern across the river; the path involves steps up from the Esplanade and again onto the raised dining terrace. A new access to Museum Gardens, also serving the restaurant and residential unit is proposed through the City Walls (through an existing gateway) from the slipway, which descends from Museum Street towards the river. This would provide a dry access to the site during flood conditions, in addition to a level access for the disabled.

Relevant planning applications

1.9 Similar applications have already been granted full planning permission and listed building consent for this scheme. These applications were considered at committee in June 2007. The applications were considered favourably by committee, officers were advised to approve the scheme subject to satisfactory details being received regarding the drainage and flooding issues. These were received in October 2007 and the decision notices were issued. This scheme comes as a consequence of discussions with English Heritage, as the applicants seek to gain the Scheduled Ancient Monument Consent required for the proposals. The design of the restaurant extension has been revised, the roof, shape/footprint and the side elevation being amended; these alterations open up the west elevation of the building, providing views into the Museum Gardens and involve a butterfly shaped roof. A companion application for listed building consent has also been submitted; reference 08/00114/LBC.

1.10 The applications (full and listed building) are brought to committee as the previous applications were determined by members in June 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYHE9	Scheduled Ancient Monuments
CYHE12	Historic parks and gardens
CYC3	Change of use of community facilities

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 On the whole the scheme is compatible with the nature of the building and there are few losses of significance. Following a recent site meeting a number of changes were requested to the existing scheme and drawings. These would further ensure that the integrity of the building is maintained (Revised plans are expected and members shall be updated at committee).

3.2 Alterations requested were as follows:

- a) The mezzanine should be set-back from the west windows to allow the full height of the space to be appreciated.
- b) The mezzanine should only run as far as the dining room where it has been revealed that the ceiling is too high to allow a further floor above
- c) The new south windows are omitted
- d) The west elevation windows to the dining room would remain as existing with no windows above
- e) Fittings should be retained in the lounge of the house and the existing door and architraves should be relocated to the new opening position into the hall
- f) The plans should be made compatible with the revised elevations and no existing windows should be lost.

3.3 Officers also advise that they previously expressed concern about the change to the character of the conservation area that will result as a consequence of the new use. However they note though that English Heritage has supported the scheme in principle from the beginning and that the recent changes to the extension represent an improvement in the building design when considered in its own right (The building, which should be lightweight as a butterfly roof appears a little heavy in its details). Also, the Museum's Trust consider the commercial nature of the scheme would not be incompatible with the strategic plan for the gardens.

3.4 The Gardens constitute a finite cultural resource of national importance. They are of great amenity value and their open, quiet and green character contributes to the special character and appearance of the conservation area. It is important that the existing tree just outside the site is protected and that there is a sufficient margin available for planting to screen the wrap-around terrace which might intrude visually into the garden.

Environmental Protection Unit

3.5 Ask that details of kitchen extraction are subject to condition if the application is approved.

Highway Network Management

3.6 No objection. Ask for details of cycle parking and measures to maintain public safety during the building works.

Lifelong Learning and Culture

3.7 Ask that boater's facilities are 24 hour and maintained (not by the Council). Also a contribution toward open space will be required for the new dwelling.

York Consultancy - Drainage

3.8 No objection. Advise that there was concern that due to reverse flow through sewers, the existing Engine House buildings could flood to a depth of 1m in the case of a 1 in 100-year flood event. However the applicants have since advised that the drainage system for the application site discharges upstream in a manner that would not add to flood risk, also man holes will be sealed to prevent the risk of reverse flow. The Engineering Consultancy are satisfied with the proposals.

External

Planning Panel

3.9 No objection. Ask that care is taken over the agreement of materials, impact on surrounding trees and signs should be posted advising boaters of the new facilities.

British Waterways

3.10 Advise that the gardens provide the main public moorings for river users wishing to visit York. The existing facilities are accessed via a British Waterways key. Ask that alternative toilet facilities are provided for boaters, along with the refuse and sluice.

Conservation Areas Advisory Panel

3.11 Object to the proposal, which would be inappropriate in the Botanic Gardens, which are included on the national register of historic parks and gardens. The gardens were/are designed for study, relaxation and reflection, this development would alter the character and appearance of the conservation area. Also object to the loss of views of the river due to the proposed building.

English Heritage

3.12 Advise that they have discussed the proposal with the applicant and consider the restaurant extension would be suitable to this location and support the re-use of the Engine House. However there is concern over the details of the new access into the gardens. If the application is to be approved, it should be subject to a condition that details of pathways steps, gates and railings are provided. Samples of materials should also be agreed by the Local Planning Authority.

Environment Agency

3.13 No objection. Ask for the following conditions: development in accordance with flood risk assessment, flood warning notices should be erected, operation and maintenance of the flood defences must be in place for the lifetime of the development, and sleeping accommodation should not be on ground floors.

Inland Waterways

3.14 Replacement facilities should be signposted and well lit, accessible and maintained. Also a water pipe with a non-returnable valve is required, so boater's can refill their water tanks.

Safer York Partnership

3.15 No objection.

Publicity

3.16 The application was publicised by site notice, press notice and letters of neighbour notification. Two letters have been received. Comments are as follows:

- Object, no details of restaurant facilities such as service access, waste storage, staff facilities, w/cs.
- The alternative facilities for boaters should be separated from the development and provided before the existing facilities are removed. They should be clearly signposted and available all year round.

4.0 APPRAISAL

4.1 Key Issues

- Impact on the character and appearance of the conservation area, including Museum Gardens
- Impact on the Engine House, a listed building
- Replacement facilities for boaters
- Flood risk
- Sustainability

Impact on the character and appearance of the conservation area, including Museum Gardens

4.2 The site is located in the southeast corner of Museum Gardens and is within the Central Historic Core conservation area. Museum Gardens is included in the Register of Parks and Gardens of Special Historic Interest. The policies of the Local Plan which relate to such sites are as follows -

- Policy GP1 of the City of York Draft Local Plan relates to design and states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials, and avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment.
- Policy HE2 (Development in Historic Locations) states that within conservation areas, and in locations that affect the setting of listed buildings, scheduled monuments or nationally important archaeological remains (whether scheduled or not), development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements that contribute to the character or appearance of the area.
- Policy HE3 states that within conservation areas, proposals involving external alterations or changes of use will only be permitted where there is no adverse effect on the character and appearance of the area.
- Policy HE9 states that planning permission will not be granted for development, which would adversely affect a scheduled ancient monument or its setting.

- Policy HE12 permits development affecting historic parks and gardens provided they have no adverse effect on the character, appearance, amenity, setting or enjoyment of the park/garden.

4.3 In considering the scheme members are reminded that it is a resubmission, a restaurant of similar footprint and scale having already been approved in place of the existing toilet block in 2007. It is also noted that The Yorkshire Museums Trust support the proposals.

4.4 Visually, the public toilets are considered to have a negative impact on the area. Their removal and replacement by a building that makes a more positive contribution is to be welcomed.

4.5 The restaurant's design has been revised as a consequence of discussions with English Heritage; the resultant scheme appears (due to the changed roof and side elevation) lighter and more open than that previously approved. The restaurant would be glazed on all sides, allowing the eye to pass through the extension, enabling views toward the river and into the gardens. The extension is separated from the listed building by a glazed link and will read as a modern extension. The scale is comparable to the extension already approved and is respectful to the setting. The building would encroach into the gardens no more than the existing toilet block or the scheme which has already been approved. Furthermore it would be partially screened by existing trees. As such the extension would not unduly encroach upon the amenity of the Museum Gardens or compromise person's enjoyment of it.

4.6 Officers support the scheme as it is felt the building respects its setting and would make a positive visual contribution to the conservation area.

Impact on the Engine House, a listed building

4.7 The Engine House building was originally rectangular, (in the area where the restaurant and dining room are proposed), it was extended, firstly where the dwellings is proposed, and then where the leisure suite is proposed. The proposed uses are laid out so they fall within each part of the building. As such they respect the original building form. A more recent unsympathetic lean-to extension on the north elevation would be removed; this extension is unsightly and blocks views of the arches on the buildings north elevation. Its removal will enhance the appearance of the listed building.

4.8 Through the removal of a partition wall that cuts through the main open space in the Engine House (where the restaurant area is proposed) and by bringing the rooflights back into use, the proposals would assist in restoring the original building's character. New openings would be within original openings throughout. It has been agreed existing openings would be retained (revised plans are awaited which show this in the lounge and bedroom above, and west elevation).

4.9 The tenant for the restaurant is to be confirmed and thus the internal layout is unknown at this stage, however extraction to the kitchen has been considered and

can be accommodated without harm to the fabric of the building or its general appearance. The detailed interior, including the mezzanine floor, will be subject to listed building consent.

4.10 The Engine House building has been vacant since 1999; its re-use is welcomed. Overall the renovations will enhance/restore the condition and appearance of the listed building and are thus supported. A comprehensive list of conditions to ensure the alterations are satisfactory will be included in the application for listed building consent.

Replacement facilities for boaters

4.11 The restaurant incorporates a public toilet (to disabled specification) within the lobby, which would be available during restaurant opening hours. This is in contrast to the existing public toilets, which are only open to the public between March and October. In addition, it is intended that boaters would be able to access the toilets "out of hours" using a standard British Waterways key. It is also intended to provide a boat sluice, refuse area and water point to replace the existing facilities that would be lost as a result of the demolition of the toilet block.

Flood risk

4.12 The application site falls within an area at risk of flooding. As such the developer is obliged to produce an assessment of additional flood risk as a consequence of the development and mitigation measures, in accordance with GP15a.

4.13 There has previously been concern that the Engine House may flood due to the reverse flow of water back into the site at times of flooding. The applicant's engineers have addressed this issue and both the Environment Agency and the Council's Drainage Engineers have no objection to the scheme, provided the latest FRA and proposed works by Giffords (whom submitted the FRA) are implemented. Such works can be secured through an appropriately worded condition.

4.14 To prevent flooding at the site the new building's floor level will be 10.83 AOD, which is 300mm above the 1 in 100-year flood level. Flood barriers have also been installed around the site (a management company would be responsible for operation), which along with existing retaining walls and buildings will protect the site in times of flooding (above 10.85AOD). Also flood proofing measures will be added into the building, such as making sure all possible water entry points are sealed and the storage of facilities such as electricals adequately above ground level.

4.15 The development would lead to a loss of area where floodwater could be stored (by introducing further hard surfacing). To prevent adding to flood risk elsewhere, compensation storage tanks are proposed below the restaurant's terrace which could accommodate a similar volume of water (7m³ more) in times of flooding.

Sustainability

4.16 The re-submitted application is associated with a statement which advises of how the development would be developed and operate in a sustainable manner. These can be secured via an appropriately worded planning condition and are as follows:

- The extension will be developed using materials which minimise energy use in their construction: timber, zinc, reclaimed stone and bricks.
- Water efficiency will exceed the requirements of the Councils adopted document on Sustainable Development and Construction in terms of water use in w/cs and appliances. Part of the extension will also have a Sedum Roof, which will aid in flood prevention and biodiversity enhancement.
- Pollution: All insulants will be CFC free and timber will be from FSC Certified sources.
- Site Management: The contractor will be signed up to the Considerate Constructors Scheme.

5.0 CONCLUSION

5.1 The proposed development would sympathetically bring the listed building back into use. The proposal is considered to be an improvement on that already granted planning permission, through an improved design for the restaurant extension and by further exposing views of the Engine House's original north elevation. The impact on the surrounding area, which includes the museum gardens and the wider conservation area would be similar to the previous scheme, although slightly enhanced due to the aforementioned alterations. As previous, replacement facilities for boaters would be provided and thus the enjoyment of the river would not be compromised.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan D 101
Proposed site/ground floor plan D 201
Proposed first floor/roof plan D 202
Proposed elevations D 401
Elevation from River D 402

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

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

3 VISQ8 Samples of exterior materials to be approved

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- glazing details, including glazing bars
- glazed link between the existing building and the extension
- roof overhang
- any glazed screen to dining terrace
- railings, gates, steps and stone pillars
- rainwater goods
- details of external lighting

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

5 LAND1 New Landscape details to be submitted and agreed

6 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 during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials. Details of pavement construction and existing and proposed levels shall also be included, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of the trees to be retained.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are in a conservations area and are considered to make a significant contribution to the amenity of the area.

7 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the measures to be taken within the design of the building to accommodate bats.

Reason: In the interests of habitat creation, as advocated by Planning Policy Guidance Note 9: "Biodiversity and Geological Conservation"

8 The development shall proceed in accordance with the Giffords Flood Risk

Assessment, revision D dated 18.9.2007 and the details contained in the email from Andy Truby (of Giffords) composed on 2.3.2008.

Reason: To prevent flood risk.

9 A regime for the operation and maintenance of the flood defences must be in place for the lifetime of the development, prior to occupation of the building.

Reason: To minimise the impact of flooding.

10 Flood warning notices shall be erected in numbers, positions and wording, all of which shall be agreed to by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers are aware of flood risk

11 Prior to the development commencing details of the cycle parking areas, including means of covered enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

12 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum ($L_{Amax}(f)$) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of nearby buildings.

13 Any kitchen extraction system proposed by the applicant must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenity of occupiers of nearby premises by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby occupiers of premises and also ensure there is not adverse effect on the appearance of the building

14 The existing toilet block shall not be demolished unless and until alternative

facilities (including facilities for boaters), whether temporary or otherwise, have been provided, in accordance with details (including signage) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the facilities referred to are available to the public at all times.

15 Notwithstanding the information shown on the submitted site plan, the precise location of the new water point shall be agreed in writing and on a plan prior to its installation on the site. The water pipe must also have a non-returnable valve fitted.

Reason: In order to ensure that an acceptable replacement facility for boaters is provided as part of the development.

16 ARCH1 Archaeological programme required

17 ARCH2 Watching brief required

18 S106OS Open Space contribution required £1,242

19 Notwithstanding the information contained on the approved plans, the height of the restaurant building shall not exceed 5.4 metres from its proposed ground level (which is shown at 10.83 AOD on drawing LEN-R D-201).

Before any works commence on the site, a means of identifying the existing ground level on site and proposed ground level for the restaurant area and terrace shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

20 The development shall proceed in accordance with the sustainability statement, issue 1, received 2.4.2008.

Reason: To ensure that the proposed development has regards to the principles of sustainable development, in accordance with policy GP4a of the Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. CONTAMINATION

Any contamination detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local

planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services.

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area, the setting of the Museum Gardens and nearby listed buildings, the provision of facilities for boaters and flood risk.

As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE9, HE12 and C3 of the City of York Local Plan Deposit Draft.

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