

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 31 May 2007 **Parish:** Fishergate Planning Panel

Reference: 06/02632/FUL
Application at: Barbican Centre Paragon Street York YO10 4AG
For: Revisions of design of approved refurbishment of auditorium including redesign of glazed curtain wall on frontage, revised enclosure of box office and enclosure of roof garden
By: Absolute Leisure
Application Type: Full Application
Target Date: 9 February 2007

1.0 PROPOSAL

1.1 This application is for extensions, alterations and refurbishments at the Barbican Auditorium on Paragon Street. The details of the application refer only to the Auditorium and not to the remainder of the overall larger site, the approved scheme for which includes a new hotel and residential units. These details remain unchanged from those approved and are not part of this application. The red line accompanying the application includes only the existing Barbican building and the area around it. This is essentially therefore a 'stand alone' application referring to alterations and extensions to the Auditorium building only (all other issues should be disregarded in this instance) and if approved would result in a stand alone planning permission just for this building. It is important however to acknowledge previous approvals pertaining to this building and the details contained therein as the proposed plans submitted here need to be considered against those already with the benefit of Planning permission given that if this application were to be refused, then the details in the previous planning permissions could still be implemented. The differences between the previously approved details for this building and those submitted here are outlined below.

1.2 The proposed changes are as follows:

- A revised design of the front glazed extension facing Paragon Street.
- Glazed infilling of the existing reception area fronting Paragon Street. In the approved scheme this area was shown to be finished as the existing building arrangement. In this proposal the floorspace at ground floor level will be enlarged by 60sqm to show the ground floor internal arrangement up the rear face of the freestanding columns.
- Revised glazing and design details to the 'rotunda' fronting Paragon Street and to the approved roof terrace on the western side of the building.
- Enclosure of approved open roof terrace on east side of the building to mirror the approved details to the roof terrace on the west side of the building. In the approved

scheme this area was shown as a roof garden bar and eating area. It is now proposed that this will be enclosed with a glazed finish in the same style as that previously approved for the western terrace. The public link from the proposed new hotel is shown at ground floor level.

- Revised position of entrance on the rear elevation facing Kent Street.

- Internal alterations borne out largely from the alterations described above. These include a revised design to the spiral staircase inside the rotunda, a new staircase to serve the proposed east covered terrace area, the repositioning of the box office given the proposed additional ground floor area at this point and the rearrangement of the first floor offices to accommodate the new staircase. Other minor internal changes to room layouts and the overall layout of the building are shown although these could be carried out without the need for further Planning permission. The overall use of the building is the same as that approved in previous planning permissions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

CYHE10
Archaeology

CYHE2
Development in historic locations

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

There are no highway implications for these revisions.

3.3 Archaeological Officer.

An archaeological evaluation of the Barbican site was carried out by On-Site Archaeology in 2003 to support Planning Application Numbers 03/04075/GRG4 and 03/04082/GRG4. The evaluation has demonstrated that there is complex preservation of archaeological deposits across the site.

In the area affected by this current application archaeological deposits are either preserved very sparsely or have been extensively destroyed by the 19th century cattle market. There should be an archaeological watching brief to record any

deposits which may have survived the construction of the cattle market. Consider that this application can be approved subject to the standard condition ARCH 2 to secure an archaeological watching brief on all groundworks.

3.4 Environment, Conservation and Sustainable Development Officer.

States that the Barbican Centre is an unlisted building dating from the 1980s. It is situated just outside the Central Historic Core Conservation Area facing the City Walls, which mark the conservation area boundary. The building has an exceptionally large footprint and a variety of devices have been used to break down the massing: to either side of the forecourt are two linked subsidiary volumes, to the side the walls have been layered with steps and terraces, there is an interplay between solid walling and significant areas of glazing, and horizontal brick banding has been introduced. The building has a monumental character and it is important that the proposed revisions do not remove the devices which help to give articulation to the building form and which also help to break down its scale.

The Section objected to the first set of submitted plans with regard to the details of the internal spaces and glazing arrangements in the reception area / box office and the Rotunda office undermining the relationship between the line of glazing and the solid walls. Considered it important to exploit the depth of the façade to achieve a maximum shadow line and to avoid creating flatness in the elevations. Also considered it important to regularize the rhythm of the glazing panels so that they have a relationship with each other and also reinforce the building form eg avoid the rotunda becoming faceted with overlarge panels, also match panel sizes above and below the top band of brickwork. Amended plans have been submitted to address these comments.

Proposals for the revised glazing to the front were also of major concern. The plans submitted with the application showed a much larger squarer section of glass with a taller vertical front wall of glass with flat roof. Objected to these plans as they increased the scale of the building and moved the effective bulk of it outwards towards the city walls. The extent of glazing shown in these plans mostly obscured the existing solid walling, which would have been hardly visible from ground level. This was considered unsatisfactory and by removing the previously proposed inclined plane and the stepped section the frontage became "boxy" with little visual interest. This oversimplification of the massing and treatment of the façade was considered unacceptable on such a large building facing where breaking down the scale is important.

Amended plans have been submitted to address the above by returning to a design similar to the details shown in the approved scheme with an inclined plane but minus the stepped section half way up. Detailed comments will be reported but the section is verbally supportive of these alterations.

Similarly the canopy will also introduce a heavy band if it is to be retractable. Any canopy should be designed to be integral with the façade. Details of the canopy should be provided.

It is important to take account of ventilation, summertime shading, the integration of the canopy, rainwater disposal and signage in the detailed design of the substructure to the glazing at this stage.

3.5 Environmental Protection Unit.

No objections.

3.6 EXTERNAL

3.7 English Heritage

Does not wish to make any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of the Councils specialist conservation advice.

3.8 Fishergate Planning Panel.

Object and include with their consultation a letter from the 'Save our Barbican' Group which they agree with the contents of.

- Addition of a glass roof to what was previously described as a 'roof garden' is a major departure from the original outline planning permission and as such should be refused until an Environmental Impact Assessment is carried out under the 1999 regulations.
- The magnifying effect of the glass roof will add considerably to light pollution.
- The outcome of a grant of planning permission will be to effectively add another floor to the already vast 'drinking' area licensed at these premises.
- The changes of design to the vast front drinking area and the roof 'garden' were not put to the Licensing Committee and permission should be refused until the Licensing Committee has considered the implications.
- Refer the Planning Committee to the recent House of Lords judgement in the case of *Barker v Bromley London Borough Council*.

3.9 York Georgian Society.

The Society's interest in proposals for the Barbican centre is concerned with their impact on the City Walls as the boundary of the Central Historic Core Conservation area, and on their setting. Since the principle of development of the site has been approved, there is little to comment on in these revisions except for the following points.

- i) Do not object to the revised design of the glazed curtain wall to the entrance front though do question whether the new profile will be easier to maintain than that proposed originally. Plans show exterior seating beneath heated parasols to be installed beyond the line of the fabric canopy, presumably for smokers. Hope that these details will comply with the recommendations of the working group set up by the City of York Council to consider external facilities for smokers. Also ask that in view of the site's location by the city walls and the Central Historic Core conservation area, the design of the furniture, parasols, heaters and planters should be referred to the Conservation Advisory Panel for comment when they are available.
- ii) Do object to the increase of the proposed reception area by extending the glazing outwards to the line of the solid cube shaped wall above. This will

compromise the original architectural design concept quite significantly. To reconfigure the circular space of the ground floor as a square will remove from the exterior of the building an architectural component which contributes significantly to the sense of contrast and movement intrinsic to the original design. There appears to be no justification for tampering with a feature which is an essential element of the original design of the building.

3.10 Sport England.

This application does not affect any formal playing pitches and is associated with previous applications that were approved subject to the applicant fulfilling certain planning conditions and clauses of a Section 106 agreement. The current application does not affect Sport England's policy stance on the overall proposal. It is an application which alters aspects of the design only. The overall scheme will provide new and improved facilities for the wider community. No objection is therefore raised to the proposal.

3.11 Environment Agency.

No objections.

3.12 Yorkshire Water.

No objections.

3.13 Third Parties.

3 letters of objection were received making the following observations:

- Object to the enclosure of the roof garden. This effectively constitutes another storey which will be licensed for the sale of alcohol. As such a new environmental impact survey would need to be conducted, particularly with respect to the easement of light.
- Letter from 'Save our Barbican' Group - see para. 3.7 (Fishergate Planning Panel) above for details.
- Increasing the footprint into the forecourt will add to light pollution in this area. This and the enclosure of the roof terrace will cause further light and noise pollution.
- Assurances have been sought about the capacity of this venue. I am appalled that local opinion is once more being totally ignored.
- Do not want a mega nightclub/drinking venue/casino/rave venue in this residential area. This application increases the danger of this happening.
- Without doubt the proposed changes will affect the environment surrounding the Barbican Centre. Will have a magnifying effect on light pollution through the imposition of a new glass roof. A full Environmental Impact assessment under the 1999 regulations should be carried out.
- What are the evacuation procedures_ Used to be onto the roof and onto the paved area to the front of the building, both of which will be enclosed in toughened safety glass. This is a recipe for disaster as it is possible that thousands of people will need to be evacuated by this route. If application passed, it would be yet another dereliction of duty by the City of York Council in their pursuit of this scheme.

4.0 APPRAISAL

4.1 The red line accompanying this application only encompasses the Barbican auditorium and its immediate environs and does not include the area of the site occupied by the approved hotel or housing. Therefore this is a stand alone application with reference to the refurbishment and re-use of the auditorium only and if approved would mean that work could commence on this part of the site without recourse to the remainder of the development, subject to the discharge of relevant conditions.

4.2 The alterations and extensions to the Barbican centre were approved as part of the original planning approval (03/04075/GRG4) and these remained unaltered in the subsequent Section 73 applications submitted to vary some of the original planning conditions so as to allow the development to be carried out in a phased manner. The use of the auditorium building as approved remains largely unaltered in this application. Therefore, whilst this application is essentially a separate application just for the Barbican auditorium the details of the approved scheme are a material consideration as that scheme could be implemented even if this application were to be refused. Therefore the key issue is whether the alterations proposed here are materially more harmful than the approved scheme with particular regard to design, the impact on the City Walls and the nearby Historic core Conservation Area and to the general amenity of local residents.

The alterations are discussed in more detail below.

4.3 Revision to the reception area.

The reception area is on the northern side of the building projecting out towards Paragon Street and is effectively a wing off the main front elevation of the building. It is opposite and across the forecourt from the rotunda. The building has a square footprint with large columns at ground floor level in each corner with the first floor overhanging the ground floor. The current internal ground floor footprint is inset from these columns so you see the glazed entrance set back behind these columns. This internal area has a semi-circular form. The proposal as initially submitted showed the ground floor entrance details brought forward to stand flush with the front of the columns so creating flatness in these elevations. Objections were raised to this from the Council's Environment, Conservation and Sustainable Development Section (para. 3. 4) and from the York Georgian Society (para. 3.8) and amended plans have since been submitted showing the glazed walls of the reception area flush up to the rear of these columns so that the columns and first floor overhanging wall still remain forward of the new internal arrangement. Whilst the existing semi-circular entrance layout of the reception entrance area will be lost and replaced by a squarer form, by setting them back this detail is still seen behind the columns and first floor overhang so maintaining some shadow line and a visual break in the flatness of the elevation is welcomed. Officers consider that when compared to the existing layout and appearance of the building at this point (this was unaltered in the approved scheme) the amended plans for the reception area are acceptable. The York Georgian Society have been reconsulted on these amended plans following their initial objections - any further comments from them on this issue will be reported.

4.4 Roof terrace on the eastern side of the building.

It is proposed to cover an existing open, first floor terrace on the Eastern side of the building. This was previously shown as an open, seated terrace 'garden' in the approved plans. The proposed enclosure will mirror the detail of the enclosed terrace on the western side of the building which was part of the approved plans. Whilst this will add further glazing details to an already heavily glazed area around this Paragon Street frontage, this particular feature will largely be obscured from public views by the proposed hotel building to its east and by the existing reception area building to its north. The height of this new roof is shown to be lower than the height of the reception area building and whilst it is acknowledged that there will be some public glimpses of this feature from Paragon Street from the north west (in particular the area around the rotunda building) and from the area in and around the gap between the proposed hotel and the auditorium, officers consider these to offer limited views which, given the context in which it will be seen (against a backdrop of adjacent much higher buildings - both existing and proposed), is not materially more harmful than the open terrace in the approved scheme. Concerns have been expressed about additional light pollution emanating upwards from this proposed new roof but this would not necessarily be any more significant than that from the open terrace which would have still required some form of lighting. Furthermore, set against its backdrop of the western and northern elevations of the proposed hotel and its close proximity to the remainder of the Barbican auditorium, officers do not consider this to be materially any more harmful than that associated with the approved scheme. The site stands in a heavily urbanised area which already has significant levels of lighting from street lights, house lights, cars etc etc. Given this and the fact that the proposed new hotel and flats will stand between the auditorium and the houses on Barbican Road and the central auditorium itself will obscure views of this new roof from Fawcett Street, then the amenities of nearby residents are unlikely to be materially affected by this new feature. Furthermore, any noise from this area is likely to be contained within the building rather than dissipating out from the building via an open terrace.

4.5 Rotunda building.

The main alteration to the 'rotunda' building from that approved is the increase in the amount of glass visible in the new roof structure over the top of the rotunda. Currently the rotunda building is open sided apart from the columns and open roofed (there is currently a tree growing up through it) although the approved scheme does show this becoming enclosed in glass at ground floor and the construction of a new roof above the rotunda, also in glass. This increase in the amount of glass visible at roof level is because the current brick band around the top of the existing structure is being reduced in height from 2.7 metres to 1.3 metres. This has the subsequent impact of increasing the amount of roof glazing visible above the band and consequently the amount of glass visible from Paragon Street although this is offset by a much improved realignment of the glazing between the roof and the ground floor details.

4.6 Glazed extension to the front elevation.

The most significant alteration in design terms was to the extension to the front elevation facing Paragon Street. This follows the line of the front curved section of the building and projects into the existing open courtyard between the reception building to the east and the rotunda building to the west. In the approved scheme this is shown with an inclined plane and stepped design back towards the auditorium

building. It was approved approx. 8.7 metres high from ground level with the highest 3.5 metres only extending across part of this elevation. In this scheme the plans were originally submitted showing an increased height of approx. 9.3 metres from ground level with the inclined plane and stepped design deleted to show a solid, square frontage wall projecting vertically up to the full height of 9.3 metres and then projecting back to the main building via a flat roof. Officers objected strongly to these on the basis of its size and scale which would have had a significant dominating effect on the building and its immediate environs. Amended plans have since being submitted to address these concerns and these delete the dominating, solid, flat roof and replaces it with a very similar design and size structure to that approved.

4.7 The height of this front extension is now the same as in the approved scheme and repeats the hipped roof design as shown in that scheme albeit without the 'step' feature half way up and the whole of the extension being almost the full width of the front facade as opposed to the top portion being only 3/4's of the width as shown in the approved scheme . However, officers do not consider this alteration to be visually significant and the design is now similar to that approved. It is considered much more acceptable than that shown in the first set of plans submitted with this application. The footprint of the extension is the same as that approved and the outside seating areas shown between this extension and Paragon Street also remain unchanged.

4.8 Officers do not consider that the revisions are materially harmful to the adjacent Conservation area nor the City Walls which stand across the other side of Paragon Street.

4.9 The only changes to the centre include a new entrance canopy over a rear entrance door facing Kent Street. This is an access into an area shown as Multi-functional halls and conference rooms. An almost identical entrance feature was shown on the approved plans but on the other side of the existing projection off the rear elevation. The change has come about due to a revision in the internal layout of this part of the building. This design detail is very minor and will have little or no impact on this elevation. It is also proposed to reposition an existing chiller unit within the area intonated on the plans as 'joint service yard for Barbican and Hotel' which takes its access off Kent Street. This will remain the same size as existing and the alteration will be barely noticeable visually. All other alterations are internal and are minor in detail. Planning permission would not normally be required for these anyway.

4.9 All other applications on and around this application site area were not deemed to require Environmental Impact Assessments. Even though the application area and design details in this case is limited to the alteration, extension and refurbishment of the Barbican Centre only, a further screening opinion was carried out as the scheme still constitutes Schedule 2 development under the Environmental Impact Assessments Regulations 1999. Officers have concluded that an Environmental Impact Assessment is not required in this instance.

4.10 This site and building were excluded from the signed Sec. 106 agreement for the overall site and therefore there are no implications with regard to the details of the Section 106 in this instance.

5.0 CONCLUSION

5.1 The extensions, alterations and refurbishments proposed to the existing Barbican Auditorium are considered acceptable in design terms and officers do not consider them to have a material impact on the adjacent Central Historic Core Conservation area or City Walls. Whilst it is acknowledged that this application has been submitted as an entirely separate, stand alone application for the existing Barbican Centre only and has been considered accordingly, weight should be attached to previous planning permissions on this building, keeping in mind that these can be implemented even if this application was to be refused. As part of the consideration of this application therefore officers have compared the details proposed with those shown in the previous schemes. Officers conclude that the proposals are acceptable, subject to the imposition of relevant conditions.

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 PLANS1
- 3 VISQ8
- 4 ARCH2
- 5 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 construction work on any of the buildings that form part of each phase of the development and the works shall be carried out in accordance with the approved details.

- doors, glazing details, glazing and curtain walling joints.

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

- 6 Prior to the use of the building commencing details of any scheme of illumination of external areas shall be submitted to and approved in writing by the Local Planning Authority and those details shall subsequently be implemented on site within 2 months of the date of this permission.

Reason. To protect against unacceptable levels of light pollution in the area.

- 7 Details of any means of enclosure within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before construction work on any of the buildings hereby permitted commences and shall be provided before that phase of the development is occupied.

Reason: In the interests of the visual amenities of the area.

- 8 No construction work shall take place 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 and shrubs to be planted;. 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.

- 9 None of the existing trees along the Paragon Street frontage shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged shall be replaced with trees of size and species as may be agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being in the interests of visual amenity in the area.

- 10 Before the commencement of and during building operations associated with the development, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works on each phase of the development.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

11 HWAY18

12 HWAY40

- 13 If during the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

- 14 All demolition and construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, 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.

- 15 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, as shown on drawing 2087-02-004 rev E, shall be confined to the following hours:

Monday to Saturday 08.00 to 21.00
Sundays and Bank Holidays 9.00 to 18.00

Reason: To protect the amenity of local residents.

- 16 Details of all machinery, plant and equipment to be installed in or located on any building or land hereby permitted, which is audible at any residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum ($L_{Amax(f)}$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. 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 fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

- 17 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. 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 local residents.

- 18 Details of the works and provision to facilitate disabled access and movement within the site and into the building permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within each phase of the development.

- 19 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority and no work shall commence until approval has been given to the works statement. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

- 20 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

- 21 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within each phase of the site and to maintain the free and safe passage of highway users.

- 22 No part of any development shall be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason. In the interests of good management of the highway and road safety.

- 23 Prior to the development coming into use highway visibility splays affecting the site area hereby approved shall be provided at the junction of the site and Kent Street and shall be kept free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

- 24 Prior to the new Barbican Auditorium being brought into use, a full staff travel plan, developed and implemented in accordance with national guidance and guidance published by the City of York Council, shall have been submitted and approved in writing by the local planning authority

Reason: To ensure that the development complies with national planning advice contained within Planning Policy Guidance Note 13: "Transport", and to encourage the use of modes of transport to and from the site other than the private car.

25 Prior to the first use of the development coming into use, a sustainability and energy statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include: -

i) The inclusion of a waste minimisation, disposal and recycling plan for the construction and its end use

ii) The inclusion of a pollution minimisation plan for any construction work undertaken, refurbishment, alterations and its end use

iii) Demonstration of the inclusion of microgeneration measures within the development

Thereafter the measures agreed shall be incorporated into the detailed design of the development, any demolition and construction works, and the subsequent management and operation of all buildings at the site.

Reason: To ensure that each phase of the development complies with national planning advice contained within Planning Policy Guidance Note 1: "Delivering Sustainable Development", and Policy GP4 a of the Council's Development Control Local Plan.

7.0 INFORMATIVES:

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