

## COMMITTEE REPORT

**Committee:** West & City Centre Area    **Ward:** Guildhall  
**Date:** 21 June 2007    **Parish:** Guildhall Planning Panel

**Reference:** 06/02428/LBC  
**Application at:** Former Waterworks Engine House Museum Street York YO1 7DJ  
**For:** Internal and external alterations including new extension in connection with proposed use as a restaurant and 1 no. apartment  
**By:** The Lendal Tower Venture  
**Application Type:** Listed Building Consent  
**Target Date:** 15 January 2007

### 1.0 PROPOSAL

1.1 The application site is located in the southeastern corner of Museum Gardens, fronting onto the River Ouse, and 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. It is proposed to convert part of the Engine House to a two bedroomed 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, the majority of which would be located within a predominantly glazed extension on the western side of the building. The Engine House is a Grade II listed building.

1.2 Revised drawings have been received incorporating minor changes to the proposal following initial discussions with the Conservation Architect, including a slight reduction in the height of the restaurant extension, an increase in the depth and width of the gap between the existing and new buildings, and minor internal and external design changes. The number of apartments proposed within the Engine House has been reduced from two to one. Although built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. The extension would be attached to the Engine House by a glazed link at a lower level, creating a separation distance of approximately 1.5 metres between the two buildings. An outside dining terrace would be formed in front of the restaurant extension abutting the flank wall of the Engine House, overlooking the river.

1.3 The restaurant extension would necessitate the reconfiguration of the entrance to Museum gardens from this direction, which would be formed by constructing a new flight of steps rising from the Esplanade, together with new purpose made gates and railings. A level (1 in 20) access would be formed on the adjacent land. A new access to Museum Gardens, also serving the new restaurant and residential unit, and would be opened through the City Walls (by enlarging an existing gateway) from the slipway which descends from Museum Street down to the river.

1.4 The Engine House was purpose built in 1835/36 to house pumping equipment in connection with the supply of water. Originally the equipment was housed within Lendal Tower. The main water supply distribution centre was moved to Acomb following the development of new waterworks and filter beds between 1846 and 1849. The application to convert and extend the Engine House forms the second phase of development proposals by the Lendal Tower Venture, the first phase being the conversion of Lendal Tower to form a single dwelling and the conversion of Lendal Hill House to form two dwellings. Planning permission and listed building consent for this proposal were granted in May 2005, and a revised proposal to form three apartments within Lendal Hill House is now also under consideration.

1.5 A planning application for the proposal (06/02425/FUL) is considered elsewhere on this agenda.

1.5 A separate listed building consent application has also been submitted for the formation of the new entrance to the site through the City Walls, an alteration which will also require Scheduled Monument Consent from the Department for Culture, Media and Sport. Museum Gardens are included on the Government's Register of Parks and Gardens of Special Historic Interest.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYHE4  
Listed Buildings

## **3.0 CONSULTATIONS**

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3.1 INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Architect

Comments below refer to the revised drawings received with a consultation cover paper dated 10th May 2007.

The Former Engine House is part of the complex of buildings which includes Lendal Tower and Lendal Hill House - all previously associated with the York Waterworks

Company. The building was built in 1836 to house the pumping engine for the waterworks; however it was converted to offices approx 20 years later and the main chimney and engine beds were removed at this time (RCHME vol V). The building remained in use as offices until the late C20th. It contains both C19th & C20th adaptations. The building was listed at grade 11 in 1983.

New uses have been secured for Lendal Tower and Lendal Hill House and recent flood protection work appears to have been successful in alleviating problems with flooding. The Engine House itself though is still considered "at risk" as it remains unused, and it is located in a vulnerable area where it is susceptible to vandalism.

We would have no objection to the principle of converting the engine house itself to a restaurant; however the scheme proposed would be a mixed use scheme resulting in a significant extension into the garden. The garden is on scheduled land and the process of obtaining scheduled monument consent takes precedence over listed building consent procedures. We understand that English Heritage still have outstanding concerns about the revised proposals. We also note that in their letter of 19th December 2006 English Heritage stated that the proposed use of the Engine House and extension were acceptable in principle. We therefore offer our comments on the planning application with a degree of reservation.

The gardens are situated within the St Mary's Abbey precinct close to the heart of the city. In addition to being scheduled (County Monument no 12) the Museum Gardens are included in the Register of Parks and Gardens of Special Historic Interest in England maintained by English Heritage. The gardens constitute a finite cultural resource of national importance. They are publicly accessible and heavily used at all times of year. Locally they are of great amenity value and their open and green character contributes to the special character and appearance of this part of the Central Historic Core Conservation Area.

At present the area adjacent to the Engine House is used for WC's and boat facilities. From within the gardens the area is hidden and appears somewhat as a "backwater" area, previously used for glasshouses and sheds; whereas from the riverside and Lendal Bridge the WC site is highly prominent. The existing buildings are vernacular in type and modest in scale. They are considered to have a neutral to negative effect on the character and appearance of the conservation area. The proposals though would change the character of the area by forming a new attraction in this corner of the gardens designed to respond to its riverside context.

Historically sites have been taken out of the gardens for other uses i.e. the Exhibition Hall built in 1878 (Art Gallery area), the swimming pool which was formed in the SW corner (now facilities for rowing club). This new use would be publicly accessible but rather urban in nature and it would remove potential garden space. It is therefore vital to know how these proposals fit within the overall vision and master planning of the gardens. A balanced assessment of the proposed change of use cannot be made until it is demonstrated that the proposals would benefit the gardens in some way. A statement from the YMT would be most welcome.

Should a strong statement of support comes forward, we offer the following comments on the scheme (comments made notwithstanding English Heritage's response):

- 1) The new uses in the engine house have been organized to afford a degree of privacy to the dwellings which share the garden area. The restaurant use would allow parts of the building to be enjoyed by the general public.
- 2) A section should be provided showing why the additional high level windows in the Engine House area required.
- 3) The changes to the extension have introduced softer materials (more timber structure and solar shades)- this is welcome
- 4) The extension has been slightly lowered and the link has been increased. The elevational drawings give a slightly misleading impression of the extension as it appears to compete with the engine house. It is attached in the 5th and 6th bay back from the front of the Engine House so its impact will be much reduced in reality (a model would show this better or a 3D axon). The building would intrude on views across to the Yorkshire Museum from parts of Lendal Bridge. This view changes however as one moves across the bridge. It is considered that a building of some stature is required to respond to its riverside context and one which offers a lofty internal space similar to earlier glass houses is seen as suitable for this area.
- 5) The external works are seen as too grand and too bulky.
- 6) There are concerns that access to the garden has been made more difficult with the steps. The effect of the ramp on tree roots has not been ascertained.

We suggest that the external works are reassessed. The steps into the garden should be reduced in number and eased i.e. made shallow, to invite access. The remaining steps up to the restaurant could be within the terrace and if they were "dog-legged" they would allow the front of the terrace to be lowered (and allowed to flood) This would improve the relationship with the front of the Engine House and the river prospect as a whole. The terrace itself should be greened so it offers back a garden like the neighbouring walled area. The whole area appears too hard and urban at present. The existing pillars should be reused at the entrance so that it is more modest and lighting should be subtly integrated into the scheme.

In addition a drawing should be submitted showing the scheme in the context of the draft masterplan.

Only with the positive supporting documentation and changes suggested above can the scheme be seen as making a positive contribution to the conservation area.

## 3.2 EXTERNAL

CONSERVATION AREA ADVISORY PANEL - The Panel referred to their previous minute : "The Panel felt that this has a detrimental effect on this part of the Conservation Area and the tranquillity of the Registered botanical gardens. The gardens contain Grade I listed buildings and is mostly a scheduled area. The majority of the panel were opposed to the development and felt that the application was premature in the light of proposals that Yorkshire Museums Trust have for the area. The majority of the panel felt that the restaurant should not encroach further than the existing building and that the design was poor. The panel were further concerned that it appeared that there had been no attempt to find a use for the

building, which would fit into the existing fabric. The Panel regret the sub-division of the Engine House and feel that it would be preferable to exploit its existing character and open interior.

GUILDHALL PLANNING PANEL Original response - We support the principle of the proposed development. However the Panel does have three concerns which it hopes can be resolved in amended designs:

1. the awkward junctions of the roof of the proposed restaurant to the former engine house,
2. the new building is critically out of scale with the existing buildings,
3. the roof of the new building would be better inclined or stepped down to reflect the natural slope of the land.

Response to revised drawings- We object. The original design appears to have changed out of all recognition and its bulk is entirely inappropriate in such close proximity to a listed building.

(Officer comment: The design of the building has not changed significantly - only relatively minor design changes have been made).

ENGLISH HERITAGE - It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remains unchanged.

In addition we are unclear as to the need for replacement toilet block facilities and whether or not these will be subsequently located elsewhere within the Scheduled Monument as previously discussed. This presents a procedural problem in that English Heritage cannot advise Department of Culture Media and Sport that Scheduled Monument consent should be granted because we need to be clear at this stage whether there will be a second consent application for toilet facilities within the Scheduled Monument.

#### English Heritage Advice

English Heritage has been closely involved with both the conversion of Lendal Tower/Lendal Hill House and the discussions concerning the proposed restaurant. We believe that the provision of such a facility in this location can be beneficial and could support the development aims of the York Museums Trust. Our concerns relate to the need to review the choice of materials; the unacceptable height of the building; its negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and the Scheduled Ancient Monument; the need for greater separation from the Engine House; and lack of provision of justification for the scheme, with particular regard as to why the restaurant could not be accommodated entirely within the Engine House, and why the proposed restaurant has to be double height.

Although the negative impact of the proposed building on the setting of both the Registered Park and Garden and Scheduled Monument is a major consideration, it is not clear whether the scheme presented contains all the necessary information on which to judge impact on historic assets. The original scheme for the restaurant extension and conversion of the Engine House included demolition of the toilet block and its replacement with a facility adjacent to the Boating House in the Museum Gardens. The revised scheme does not specify whether, or where, a replacement toilet block is needed, and therefore we cannot assess the full impact of the proposals on the Scheduled Monument or if there will be second consent application for toilet facilities within the Scheduled Monument.

## Recommendation

It is the view of English Heritage that the revised proposal remains fundamentally the same scheme, and therefore our concerns with regard to unacceptable height, negative impact on the setting of adjacent Listed Buildings, Registered Park and Garden and Scheduled Monuments, and lack of justification for the scheme remain unchanged. We believe the existing Scheduled Monument Consent application for the restaurant extension should be withdrawn by the applicant because we are unable to advise the Department for Culture, Media and Sport (DCMS) that consent should be granted on account of the negative impact of the proposed building on the setting of the Scheduled Ancient Monument. Therefore it is the case that English Heritage recommends that until these issues are addressed the planning application should also be refused.

GARDEN HISTORY SOCIETY - On the basis of the information received we do not wish to comment, but we would emphasise that this does not in any way signify either our approval or disapproval of the proposals.

YORK CIVIC TRUST - This is a carefully thought out scheme which makes good use of the existing Grade II listed Engine House, and proposes a well designed extension to form a restaurant with terrace dining facilities overlooking the river. As a statutory consultee for the demolition of listed buildings in York (which includes the lean-to as being attached to the listed Engine House, and the public toilet block as being a 'curtilage building') we do not wish to object to these aspects of the proposal.

## LETTERS OF OBJECTION FROM YORK RESIDENTS

Four letters were received from York residents in response to the original application, making the following points in respect of the listed building consent:

1. The need for another restaurant of this size is vastly outweighed by the negative impact such a development will have on the city.
2. The construction of such a large and high modern glass structure in this location will significantly alter the aesthetics of the area and detract from Lendal Tower.
3. There are many historic buildings in York which would benefit from restoration and the developer could undertake such a project to accommodate a new restaurant. The building of a new structure is unnecessary for this purpose.

4. A restaurant located within the confines of the engine house together with outdoor seating would provide an adequate refreshment service.
5. Demolition within a conservation area is not permitted unless an acceptable alternative has been approved. This requires comprehensive design details to be submitted and evaluated.

Two letters have been received in response to the revised drawings, re-iterating previous concerns, in particular:

- the architectural style and dimensions of the proposed development
- its visual impact on the surrounding environment
- its practical impact on the surrounding environment
- the scope of the proposed development
- the proposed development remains inappropriate in design and conception, and the changes will not make it any less intrusive.
- a two storey extension will dwarf the surrounding architecture by virtue of its size and height
- the size of the extension will result in too large an area of the small municipal gardens being lost
- the style of the extension, a "glass cube" is an inappropriate structure in this location
- the adjustments will not prevent views of the river being obscured, nor the view of the city from Lendal Tower.

#### **4.0 APPRAISAL**

4.1 The application relates to the conversion and extension of the former Engine House, a Grade II listed building, to a single apartment and a restaurant, together with the formation of an external dining terrace. The site is located in the southeast corner of Museum Gardens, overlooking the River Ouse, and is within the Central Historic Core conservation area. Museum Gardens is included in the Register of Parks and Gardens of Special Historic Interest.

4.2 Local Authorities have a statutory requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

4.3 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings, conservation areas) will be afforded the strictest protection. Policy HE4 of the Development Control Local Plan states that consent will only be granted where there is no adverse effect on the character, appearance and setting of the listed building. Policy HE5 states that where the partial demolition of a listed building is permitted, no demolition shall take place until a building contract for the carrying out of works of redevelopment has been made and planning permission for these works granted.

4.4 The proposal would involve the conversion of the Engine House (on two levels) to a single two bedroom apartment, together with kitchen and dining facilities associated with the new restaurant. The internal layout of the Engine House has

been amended to take account of comments made by the Council's Conservation Architect. In response to these comments, the roof of the restaurant has been slightly lowered and the dividing gap between the extension and the existing building has been increased in depth and width. Although it would be built on a single level, the restaurant extension would be a tall building with a sloping "flat" roof 7.3 metres in height at the front and 6.3 metres at the rear, slightly lower than the parapet wall of the Engine House. It would be of a contemporary design, featuring large glazed elevations to the front and rear, with stonework and narrow "slot" openings to the side wall. The design also incorporates a dining terrace overlooking the river, raised above flood level. A new entrance to Museum Gardens would be created alongside the extension, featuring new steps, gates and railings. A level, disabled access to the Gardens would also be created.

4.5 The restaurant extension and dining terrace would be particularly prominent from Lendal Bridge and from the south bank of the river, although the extension has been designed so as not to block views of the Yorkshire Museum from these viewpoints. In visual terms, the existing public toilets are considered to have a negative impact on the area and their removal and replacement by a building that makes a more positive contribution is to be welcomed. English Heritage have raised objections to the design of the extension, in particular due to its "unacceptable height", negative impact on the setting of the adjacent listed buildings, Registered Park and Garden, and Scheduled Monuments. However, the Council's Conservation Architect takes a slightly different view towards the design and appearance of the extension. In particular, it should be noted that although the extension appears to be flush with the front wall of the Engine House when seen in elevation, it would in fact be set back by a considerable distance, which would reduce the impact on the listed building. Although it would not be subservient to the Engine House in terms of its height, the contemporary design of the extension would not compete with the more traditional appearance of the Engine House. It is concluded that the extension is a bold, innovative design that has the potential to make a positive contribution to the character and appearance of the conservation area and the riverside frontage in particular. It is considered that the impact on Museum Gardens as a whole would be relatively small, given the location of the site in the southeast corner of the Gardens, in an area which is already dominated by the existing toilet block and surrounding areas of hard surfacing.

4.6 The Conservation Architect has requested that the proposed external works are reassessed, and considers the proposals to be too hard and urban. It has been suggested that the front part of the terrace be lowered (below flood level) and the whole area "greened" so that it has a softer appearance. The applicant does not agree with this suggestion, and points out that the application site is already located within an urban area; it is clearly not suburban or rural. In addition, the applicant points out that the restaurant extension and dining terrace occupy a similar area to the existing toilet block and apart from a small tree the whole of the existing site is hard paved or built upon. The new proposals have been glazed on both principal elevations, to allow the eye to pass through the buildings to the gardens beyond in one direction and from the gardens to the riverside from the other.

4.7 As the proposal would affect a Scheduled Monument, Scheduled Monument Consent would also be required for the proposal from the Department of Culture



Media and Sport (DCMS), who are advised by English Heritage. Given the objections to the proposal raised by English Heritage (who themselves have given a cautious welcome to the principle of the proposal), it seems unlikely that Scheduled Monument Consent would be granted for the proposal as submitted. However, this is an entirely separate process and there is no reason why the Council, as Local Planning Authority, should not express its own view on the proposal through the granting (or refusal) of planning permission. Clearly, a revised application may need to be submitted if the Scheduled Monument Consent application is unsuccessful. However, the applicant has made it clear that he wishes the applications for planning permission and listed building consent to be determined as submitted and subsequently amended.

## **5.0 CONCLUSION**

5.1 As an overall package, it is considered that the proposal has some merit and would bring a new restaurant facility of contemporary design and appearance to a prime location within the city. It would also secure the removal of the existing unsightly toilet block, and through the subsequent land transaction, would act as a catalyst for the provision of alternative toilet facilities elsewhere within Museum Gardens.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIMEL1

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

LEN(D) 11 Rev "C", LEN(D) 12 Rev "C" and LEN(D) 13 Rev "B", all received on 8 May 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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

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
- glazed screen to front of dining terrace
- railings, gates, steps and stone pillars
- rainwater goods

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

## **7.0 INFORMATIVES:**

### **Contact details:**

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