

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 August 2007 **Parish:** Guildhall Planning Panel

Reference: 07/00307/FUL
Application at: Lendal Tower Museum Street York YO1 7DT
For: Conversion of Lendal Hill House and Whistler House to form three apartments and conversion of Lendal Tower to form 1 no. dwelling including external alterations
By: Mr David Hattersley
Application Type: Full Application
Target Date: 21 May 2007

1.0 PROPOSAL

1.1 The introductory comments in relation to application ref: 07/00306/LBC also apply to this parallel application for planning permission. The application is brought to Committee at the request of Councillor B. Watson.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Multiple (Spatial)

Scheduled Ancient Monuments Multiple (Spatial)

2.2 Policies:

CYHE3
Conservation Areas

CYH4
Housing devp in existing settlements

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - There are no highway objections in principle to this application, however the following are noted:

1. There is no on-site car parking
2. There is no on-site cycle storage
3. Reference is made to the previous application (04/03924/FUL), which required cycle parking to be provided in accordance with the approved plans.

There are no objections to the lack of car parking due to the location of the site within the city centre, the proximity to city facilities and both local and national transport services. It is recommended, however, that cycle storage facilities are made available to promote the use of cycles as a form of personal transport, and an appropriate condition is recommended to address this issue.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

The revised submission addresses comments dated 9th May 2007 which were based on the proposals for further subdivision of Lendal Hill House. Proposals for Lendal Tower itself are being assessed separately by English Heritage through the application process for scheduled ancient monuments. The agent's covering letter provides further explanation for the reasons behind the loss of space from the houses in favour of the Tower, and it states the desirability to achieve a range of units with flexibility in the remaining accommodation. Please see below for comment on significant points mentioned previously:

- 1) the spiral staircase would be a foreign intervention within the building. It has arisen to address environment agency requirements within the new flexible organization. Revisions show it relocated away from the window and doors, allowing the doors to be retained and it has been made smaller. The impact of this intervention on the fabric has been minimized, and it would be possible to remove the staircase without having permanently harmed the special interest of the building
- 2) the layout has been simplified so that the through-passage in unit 2 can be retained and the hall of unit 4 will retain its current form. The remaining en-suite bathrooms do not appear to be as disruptive of the circulation pattern and it would be possible to interpret the inherited layout.
- 3) The first floor arched partition and the top floor framing will be retained
- 4) No original doors or doorways would be lost in the revised scheme.
- 5) The remaining fireplace on the first floor is shown as being retained.
- 6) The partition between the first floor front and back rooms of unit 3 has been redesigned and other new partitions removed in favour of retaining existing doors and being able to distinguish between new and existing fabric.
- 7) The dividing walls across the passage/hall on the ground and first floor of the house connecting with the Tower have been redesigned as screens with integral doors. Details have been provided showing how they would be able to operate as a

lobby door or as a fixed screen. The screens would be removable and would decrease the appearance of a permanent sub-division between the entrance hall and the staircase.

The revised scheme appears to allow for the flexibility required by the client whilst maintaining the special architectural and historic interest of the building.

Archaeology

This site lies within outside the Area of Archaeological Importance and in an area which has produced significant Roman and medieval deposits. The Museum Gardens are a scheduled ancient monument (monument no NY12), a registered park and garden, and the building (the former pump engine house constructed in 1836) is a grade II listed building.

An archaeological evaluation of the site of the proposed extension has been carried out by the York Archaeological Trust in December 2006. This has demonstrated that the archaeological deposits preserved within 1m of the current ground surface consist of features and deposits relating to the late 18th and 19th century history of the site. These deposits do not, in my opinion, merit preservation in-situ, but should be recorded through an archaeological watching brief on any groundworks which take place on the site. The development proposal will have an effect on archaeological deposits which are preserved within the boundaries of the site. Therefore, an archaeological watching brief on all groundworks for the development will be necessary. This watching brief should be secured by means of the standard condition ARCH 2 on any planning consent which may be granted.

In addition, the following will be required:

1. A full drawn, photographic, and written record in accordance with a scheme of investigation approved by the planning authority (a) of the current state of building (b) of the building with modern interventions removed and (c) of the building once works have been completed
2. A full drawn, photographic, and written record in accordance with a scheme of investigation approved by the planning authority of the basements to Lendal Tower

ENVIRONMENTAL PROTECTION UNIT - The environmental protection unit have no objections to this application.

However as the site is adjacent to a busy arterial road, it is recommended that a condition should be attached requiring sound insulation works to be carried out to all bedroom and lounge windows that face the road on the southwest and southeast facades. Often where sound insulation works are requested, air conditioning may be installed which can cause noise nuisance, therefore a condition relating to plant and equipment is recommended.

LIFELONG LEARNING AND CULTURE - As there is no on-site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve a local site such as Museum Gardens or the river frontage.

b) play space - which would be used to improve a local site such as Clarence Gardens

c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy.

The necessary payment could be secured through a Section 106 Agreement.

EDUCATIONAL PLANNING OFFICER - No contribution required

STRUCTURES AND DRAINAGE - Recognise that as the previous scheme has planning approval, a recommendation of refusal on the revised proposal may not be appropriate. Have concerns that the flood risk assessment appears to have failed to assess the possible effect of reverse flow through the public sewers (passing under the newly installed flood barriers), to such an extent that the flood defences may be by-passed.

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - No objections

ENVIRONMENT AGENCY - No objections, recommend two conditions relating to:

- (i) Development to proceed in accordance with the details contained within the flood risk assessment
- (ii) Demountable barriers to be located in the agreed location (upstream of the bridge arch) and to be in place prior to occupation.

ADJACENT OCCUPIERS - No replies received

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposal for apartments
- impact on character and appearance of conservation area
- access and parking

4.2 The application relates to the conversion of this complex of historic buildings to four apartments. Planning permission and listed building consent have previously been granted to convert the buildings to three dwellings, and this scheme has been partially implemented. The site is within the Central Historic Core conservation area. When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. This duty is re-iterated in Central Government advice contained within Planning Policy Guidance Note 15 "Planning and the Historic Environment". Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural and historic interest will be

afforded the strictest protection. Policy HE3 of the City of York Draft Local Plan relates to development within conservation areas and states that proposals involving external alterations and changes of use will only be permitted where there is no adverse effect on the character and appearance of the area.

4.3 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. In addition, Policy H4a also expects proposals to be of an appropriate scale and density to surrounding development, and not have a detrimental impact on existing landscape features. With regard to employment development. Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix E of the Local Plan (1 covered space per 1/2 bedroom dwelling).

4.4 So far as the impact of the proposal on the character and appearance of the conservation area are concerned, the external changes to the group of buildings and its setting are limited to external railings around the garden area, a flag pole and access turret on the tower roof, and the replacement of an area of concrete paving with Yorkstone flags to form a patio. It is not considered, therefore, that the proposal would have any significant impact on the character or appearance of the conservation area as a whole.

4.5 The principal change from the previously approved scheme would be the conversion of the two dwellings formed within Lendal Hill House to three apartments (1 x one bedroom, 2 x two bedrooms). A single dwelling would be formed within Lendal Tower, as originally approved, with some reconfiguration of the internal floor space. Two of the apartments within Lendal Hill House would be sub-divided vertically on the ground and first floors, with the third apartment occupying the whole of the second floor. The applicant states that the proposed changes are designed to provide a wider range of accommodation size and type than the previously approved proposal in order to maximise the viability of the scheme and to ensure that the buildings are brought back into long term use. It is not considered that there are any fundamental objections to the proposal, bearing in mind the proximity of the site to Lendal Bridge which carries heavy flows of both vehicular and pedestrian traffic. For this reason, it is considered that the occupation of the units is more likely to be related to the tourist industry (i.e. short term holiday lets) than for permanent living accommodation or family homes. The Council's Conservation Architect has no objections to the revised proposal, either in principle or detail.

4.6 Cycle parking would need to be increased to reflect the increase in the total number of units from three to four. This could be addressed by an appropriate condition. The issue of flood risk was considered as part of the previous application. The Environment Agency raise no objections to the proposal subject to conditions, which include the implementation of measures incorporated within the submitted flood risk assessment. In particular, it is noted that the submitted drawings do not incorporate bedroom accommodation at ground floor level. The Council's Archaeologist has recommended that an archaeological watching brief condition be attached to any planning permission. The Environmental Protection Unit raise no

objections subject to a condition requiring sound insulation measures to be carried out to all bedroom and living room windows on the southeast and southwest facades of the building (i.e. facing the road).

4.7 The bat survey submitted with the previous application (the Countryside Officer has indicated that a further survey is not necessary) demonstrates the potential for bat roosting, although there is no evidence of a major bat roost at present. Policy NE6 of the Draft Local Plan requires developers to demonstrate measures of mitigation if there may be a significant impact on protected species, including bats. It is considered that a condition requiring the submission of a bat contingency plan, as was attached to the previous planning permission, would address this issue. A condition requiring public access to Lendal Tower for one weekend each year (to be agreed) was attached to the previous planning permission and this could be re-imposed. As this application is effectively a revision of a previously approved and partially implemented scheme, it would be unduly onerous to impose new conditions not imposed previously. For example, a condition requiring a financial contribution to be paid towards open space improvements was not imposed on the previous planning permission, and it would be unreasonable to impose such a condition in respect of this revised application.

5.0 CONCLUSION

5.1 The reconfiguration of the accommodation to form three apartments within Lendal Hill House and a single unit within Lendal Tower is considered to be satisfactory, and not in conflict with

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Devt to commence within 3 years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-
 - LEN-H D 02 Rev C - Proposed ground floor plan received 26 June 2007
 - LEN-H D 03 Rev C - Proposed first floor plan received 26 June 2007
 - LEN-H D 04 Rev C - Proposed second floor plan received 26 June 2007
 - LEN-H D 12 Rev A - Proposed roof plan received 26 June 2007
 - LEN/H D 06 Rev B - Proposed elevations received 26 June 2007
 - LEN-H D 07 - Proposed section
 - LEN-H (D) 15 - Specialist joinery works received 26 June 2007
 - LEN-H D 08 - Mezzanine detail
 - LEN-H (D) 10 - Railing detail
 - LENH D 01 - Proposed external works

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 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, Development of the type described in Classes A, B, C, D, E, F, G or H of Schedule II Part I of that Order or Classes A, B or C of Schedule II Part II, shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the conservation area, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under Classes A, B, C, D, E, F, G or H of Schedule II Part I of the Town and Country Planning (General Permitted Development) Order 1995.

- 4 VISQ10 Details of external services to be approved

- 5 ARCH2 Watching brief required

- 6 Adequate sound insulation, including non-openable windows in all south-west and south-east facing elevations, shall be carried out to the satisfaction of the Local Planning Authority. Details of the measures to be taken shall be submitted for the written approval of the Local Planning authority and the approved scheme of insulation shall be fully implemented before the building is occupied for the use hereby approved.

Reason: To safeguard the amenity of future occupiers.

- 7 HWAY18 Cycle parking to be agreed

- 8 No work shall commence on site until the applicant has submitted a Protected Species (Bat) Contingency Plan, in accordance with a specification supplied by the Local Planning Authority. This plan shall be approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of nature conservation.

- 9 The development shall be carried out in accordance with the submitted Flood Risk Assessment and the following plans: Proposed Ground Floor Plan (No. 02 Rev C), Proposed First Floor Plan (No. 03 Rev C), Proposed Second Floor Plan (No. 04 Rev C), and shall incorporate the accepted mitigation measures into the development.

Reason: To minimise the impact of flooding

- 10 The demountable barriers to be constructed within the two bridge arches shall be sited on the upstream (closest to the development) side of the arch, and shall be in position prior to the occupation of the development hereby approved.

Reason: To alleviate the increased risk of flooding downstream

- 11 Provision shall be made for public access to Lendal Tower for one weekend each year, and the building shall not be occupied until all future dates and arrangements for such access have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To allow public access and appreciation of this building, which forms part of the heritage of York and is a nationally important Grade I listed building.

7.0 INFORMATIVES: Notes to Applicant

1. 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:

- principle of the proposal for apartments
- impact on character and appearance of conservation area
- access and parking

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3, H4a and T4 of the City of York Local Plan Deposit Draft.

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

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

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

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

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

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