

## COMMITTEE REPORT

**Date:** 7 August 2014                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 14/01198/FUL  
**Application at:** Public Convenience Exhibition Square York  
**For:** Single storey building to provide retail unit (use Class A1)  
                    and replacement public conveniences  
**By:** Healthmatic  
**Application Type:** Full Application  
**Target Date:** 13 August 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to the site where public toilets were recently accommodated on the corner of Petergate and Exhibition Square. The toilets were recently demolished. Demolition was granted planning permission (14/00794/FUL) and Scheduled Monument Consent has been granted by English Heritage for the demolition and rebuilding of the public conveniences, subject to conditions to protect archaeology.

1.2 This application seeks planning permission for the replacement facility. The proposed development would have 7 w/c's. The building would also accommodate a 48 sq m retail unit. The toilets recently demolished had 3 male toilets (plus urinals), 9 female toilets, a disabled toilet and 2 night toilets.

1.3 The building would be U- shaped in plan, based around the existing arched opening. The built envelope would be formed by an inverted roof and walls of pre-patinated copper cladding, which would have a brown texture. The retail unit would be accessed through the stone arch and the WCs through the door to its south. A blocked entrance arch in the wall running east from Bootham Bar would be unblocked and a window inserted. As with the previous building, the structure would be lower than the surrounding walls.

1.4 The application has been called to planning committee by Councillor Brian Watson, to assess the impact on listed buildings and to consider the proposed retail development.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints:

- Grade 1; City Walls Bootham Bar To Monk Bar 0577
- Grade 2; 1a & 1b High Petergate York YO1 2EN 0672

### 2.2 Policies:

CYGP1 Design

CYHE4 Listed Buildings

CYHE3 Conservation Areas

## **3.0 CONSULTATIONS**

### **Design, Conservation and Sustainable Development**

3.1 Officers support the works, advising that in principle they could improve the setting. Comments were as follows -

- The existing door under the steps (male w/c entrance) should be retained and blocked, rather than the addition of a window. A window would weaken the appearance of the walls, whilst the door, although C20 is of appropriate design.
- The metal gates in the arch should be adapted and re-used, not replaced.
- The stone blocking of the entrance arch to the side of Bootham Bar is relatively recent; so its careful removal would be justified by the need to provide a window into the new retail unit. The aluminium frame should not be visible.
- Works to the side wall with 1 High Petergate should use reclaimed bricks.

### **Environmental Protection Unit**

3.2 Note that noise from the development may affect neighbouring residents.

Recommend conditions that the hours of operation and delivery times are restricted and that details of any plant or machinery are submitted for approval.

### **English Heritage**

3.3 Recommend that the scheme be approved. Note that Scheduled Monument Consent has been granted for the works.

### **Guildhall Planning Panel**

3.4 Support the proposals.

## **Publicity**

3.5 One comment has been received that suggests the structure should be of stone and lead, rather than copper, to respect the setting.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- Principle of the proposed uses
- Impact on heritage assets / design
- Residential Amenity

### **Principle of the proposed uses**

4.2 The site is within the city centre as defined in the Local Plan. The retail element of the proposal is consistent with the NPPF which states LPA's should promote competitive city centres and enhance existing markets, and Local Plan policy SP7b which promotes commercial development in the city centre.

4.3 Section 70 of the NPPF advises that planning decisions should aim to achieve places where there is no unnecessary loss of public facilities, and ensure facilities are able to develop and modernise in a sustainable way, so they are retained for community benefit.

4.4 The amount and type of toilet facilities was agreed at procurement stage by the City Council. The public consultation for public realm improvements in Exhibition Square raised the need for improved toilet facilities. The proposed facilities would improve the quality of the previous provision. The number of toilet cubicles would reduce from 13 down to 7. The proposed operators – Healthmatic, consider and the City Council as client have not disagreed, that the amount provided is reasonable. The provision of retail within the buildings would potentially assist with revenue for ongoing management and maintenance, and is compliant with the NPPF statements set out in 4.2 and 4.3.

### **Impact on heritage assets / design**

4.5 The application site is within the Central Historic Core Conservation Area and by the grade 1 Listed City Walls. No. 1 High Petergate adjacent the site is grade 2 listed.

4.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

4.7 The proposed development would be under the height of the surrounding walls and as such views of the development would be from on the city walls and through the arch only. When viewed through the arch the simpler form of the proposed building and use of pre-oxidized copper would make a minor improvement to views in this direction. From the walls the proposed development would be of similar scale to the former structure. The building would have a simpler form and be contemporary in its use of materials and detailing. The materials would respect the setting and the detailing can be agreed through a planning condition. Overall this form of the development would maintain the historic setting and heritage assets and be compliant with policy in this respect.

4.8 The blocking of the entrance arch to the side of Bootham Bar is a relatively recent alteration. It is proposed to open up the arch, and introduce a window for the retail unit. The alteration is justified. Subject to detailing, so the aluminium window frame would not be visible and the stonework remain dominant, the works would cause no harm to the architectural and historic importance of this area.

4.9 The existing metal gates to the arch are of a simple robust design. Preference is for these to be adapted rather than replaced. A revision to the scheme has been requested in this respect and a response is pending.

4.10 Replacing the door under the steps with a window will weaken the appearance of this defensive gateway. The door should be retained and blocked from behind. It appears to date from the early C20th and its design is well considered for its location. As with the gates, a revision has been sought in this respect.

4.11 Preference is for the replacement facilities to have inclusive access, at all times. Clarification has been sought from the applicants that there will be a level entrance to the toilets and that the night toilets are of adequate standard.

## **Residential Amenity**

4.12 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 The elevation of the toilets which previously faced the side wall of 1 High Petergate was of variable height, due to the roof form (this is outlined on drawing 102), ranging from 2m to 4.7m. The wall to be retained at the side boundary is 2m high. The elevation of the proposed toilet would be 3.7m high; terminating between ground and first floor windows and to the west side of the rear garden.

4.14 The ground floor of 1 High Petergate is in commercial use and the rear garden is enclosed by surrounding structures, the De Grey Rooms to the immediate south and the part of the City Wall that encloses the toilet block site. The proposed building would make the rear garden of 1 High Petergate feel slightly more enclosed due to its consistent height. The impact over 1 High Petergate would be mitigated however, as the new building would sit 800mm away from the retained boundary wall. Overall the garden area and rear room would not suffer an undue loss of amenity.

4.15 A condition can be used to control amenity in case any plant/equipment is proposed. Because of the city centre location, where there are many other shops, without any such restrictions, and given the size of the premises, it is not necessary to restrict opening or delivery times.

## **5.0 CONCLUSION**

5.1 The proposal in principle is compliant with planning policy. Subject to planning conditions, the development would be of acceptable appearance; the character and appearance of the conservation area would be preserved, and there would be no undue effect on amenity. Approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:- Drawings A158 - 110, 111, 113, 114, 115

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

3 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

Application Reference Number: 14/01198/FUL

Item No: 4b

the development and the works shall be carried out in accordance with the approved details.

- Sections and plans through the cladding and glazing, to include connections to the stone walls
- New doors (shown in context)
- Glazed window within the stone arch (the framing shall be hidden from external view)
- Alterations to the gates
- Paving pattern (including relationship to existing)
- External lighting
- Signage

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: To sustain the significance of heritage assets in accordance with section 12 of the National Planning Policy Framework.

5 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, using reclaimed brick where possible, to the satisfaction of the Local Planning Authority.

Reason: To sustain the significance of heritage assets in accordance with section 12 of the NPPF.

6 Notwithstanding the approved plans the existing door under the stone steps shall be retained, repaired and blocked from behind. It shall not be changed to a window for the retail unit.

Reason: In the interests of the appearance of the listed City Walls.

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), 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 occupants of the nearby properties from noise.

#### STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: the use of planning conditions and by requesting amendments to the supplied plans.

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