

## COMMITTEE REPORT

**Date:** 11 June 2015                      **Ward:** Fulford and Heslington  
**Team:** Major and                      **Parish:** Heslington Parish  
                    Commercial Team                      Council

**Reference:** 15/00126/LBC  
**Application at:** Lord Deramore's Primary School School Lane Heslington  
                    York YO10 5EE  
**For:** Part demolition of existing school building  
**By:** Kier Construction on behalf of The Secretary of State  
**Application Type:** Listed Building Consent  
**Target Date:** 15 June 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is Lord Deramores Primary School. The village school relocated to this site in 1856. The school building is listed at grade II. The 1856 portion of the school building is significant as an example of an early purpose built school developed through local patronage; it also has a high standard of design and materials expressed in its Victorian gothic architecture. As the village has grown the school has expanded through a series of linked extensions to the north and northeast. An early classroom extension of 1908 by WH Brierley is of some architectural merit and historically significant. The more recent additions, though part of the listed school building, are of little architectural importance.

1.2 It is proposed to build a new school in the grounds. This application is for Listed Building Consent to demolish all buildings that form the primary school accommodation with the exception of the 1856 building and the 1908 extension. All of the buildings attached to the 1856 school building are part of the site's Grade II listing. In considering the Listed Building Consent application the key issue relates to the treatment and future retention of the pre World War II buildings.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heslington CONF  
City Boundary GMS Constraints: York City Boundary 0001  
Listed Buildings: Grade 2; Village School, School Lane, Heslington

2.2 Draft Development Control Local Plan (2005) Policies:

CYHE4 Listed Buildings

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## 2.3 Emerging York Local Plan Publication Draft (2014) Policies

D5 Listed buildings

D9 City of York Historic Environment Record

### 3.0 CONSULTATIONS

#### INTERNAL

#### **Planning and Environmental Management**

##### Conservation Architect

3.1 Heslington Village School has been identified as in need of renewal under the Priority School Building Programme. Investment by the Education Funding Agency allows only for new building in order to maximize resources for educational purposes. In spite of making a strong case for retention and reintegration of the historic school on School Lane, additional funds have not been forthcoming. We therefore support moth-balling the building pending a suitable new use being found in this highly popular village.

3.2 The measures put forward for securing and weather-proofing the building are adequate at this stage but they would need to be reviewed in detail once demolition commences; so a condition will be required to cover agreement of details in the areas revealed. Similarly site plans fail to identify a suitable rear and side curtilage for the retained building and this omission should be addressed as a condition of approval. Lack of a suitable curtilage could put the future of the building in jeopardy.

3.3 By removing the later extensions the immediate setting of the historic school building would be improved. The intermediate measures proposed for security purposes and to guard against the weather would be reversible and they would not be harmful to the special architectural and historic interest of the building.

#### EXTERNAL

#### **English Heritage**

3.4 Are content with the principle of the proposed demolition as it is confined to later additions which do not contribute to the significance of the listed building, or the character and appearance of the conservation area. Although outside the scope of the current application it is recommended that a new use for the building is found as soon as possible and that security and maintenance measures are put in place in the interim.

## **Council for British Archaeology**

3.5 Strongly object to the proposal as it entails no provision for the long term future of the listed building and is therefore contrary to paragraphs 126 and 131 of the NPPF. In addition, the proposed arrangements will limit the future viable use of the building. The application fails to show how the demolition of other buildings will impact upon the setting of the listed building and does not show how the listed buildings will be treated in respect to repair and maintenance.

### **4.0 APPRAISAL**

#### **STATUTORY DUTY**

4.1 Section 16 of the Planning (Listed Buildings and Conservation Areas Act 1990 requires the Local Planning Authority when determining Listed Building Consent applications for development that affects a listed building or its setting 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.

4.2 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

4.3 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

#### **PLANNING POLICY**

4.4 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government’s planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues and it is against this policy framework that the proposal should principally be addressed.

4.5 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that 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 by or lost through alteration or destruction of the heritage asset or development within its setting.

4.6 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

4.7 Following the motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirements and how it should meet those requirements. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited.

4.8 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF. Development Control Local Plan Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

#### IMPACT ON SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

4.9 The proposals will lead to the removal of around 75% of the existing footprint of buildings on the site. No parts of the 1856 or 1908 school building which are still in place would be removed and there would be no alteration to the interior at this point. It is considered that the demolition of the modern additions will enhance the setting of the building.

4.10 A key issue to consider are whether the works required to separate the historic buildings from the later additions will be done in a sympathetic manner and if leaving the historic buildings without a new use will leave them vulnerable to vandalism or decline.

4.11 Following concerns being raised by the Council for British Archaeology, additional drawings and information was submitted by the applicant indicating how the historic building would be made good following the removal of the attached modern structures.

The further details indicate that essential protection works would be carried out as part of this application to safeguard the building. Further details in respect to specifications and recording can be required as a condition prior to demolition commencing.

4.12 In respect to the future vacancy of the historic buildings it is regrettable that a new use for the buildings is not in place. It had been hoped that the historic buildings could be retained in use by the primary school. This was not considered practical by the applicant in terms of achieving a smooth transition of pupils from the existing to the new school buildings and also because of the impact it would have on the effective use of the site and financial issues relating to the continued use and maintenance of the historic buildings.

4.13 The submitted application does not show a rear or side curtilage to the historic buildings proposed to be retained. It is considered important that a curtilage is defined to ensure that this does not limit possible future uses of the buildings. A condition is suggested that would require a curtilage to the building to be retained that would no longer form part of the school grounds. It is recommended that this accords with a 1908 plan indicating the extent of the playgrounds at the time (equivalent to a rear garden length of around 25m) as well as a margin to each side of the building for access where practical. The applicant has confirmed that they are agreeable to this and that this requirement would not prejudice the future use of the proposed school site.

4.14 It is considered that the additional information received in respect to securing the exterior of the historic buildings and providing a suitable curtilage, provides a high level of comfort that the changes on site will not undermine the viability or integrity of the historic buildings. Although it would be preferable if they were not left without a use, it is considered that their existing state of repair, accessible location and adaptable form is such that it could not be reasonably envisaged that they would be left to decline because they have no viable economic use.

## **5.0 CONCLUSION**

5.1 This Listed Building Consent application relates to the demolition of post-war school buildings of little architectural merit. Therefore no harm results to the listed building by this proposal. The works are proposed to take place following the erection of a replacement school on the site.

5.2 It is considered that the demolition works will enhance the setting of the historically important buildings fronting School Lane that are to be retained. No replacement use for the retained historic buildings has been agreed. In accordance with NPPF advice, it is important to ensure that the works do not compromise the future viability, or maintenance of the buildings. To ensure this is addressed

conditions have been suggested requiring the external fabric of the newly exposed parts of the buildings to be protected and a suitable curtilage provided and retained.

## **6.0 RECOMMENDATION:**

1      TIME L2      Development start within 3 yrs (LBC/CAC) -

2      PLAN S1      Approved plans and other submitted details

3      Prior to the demolition of any buildings on site, a site plan shall be submitted to and agreed by the Local Planning Authority showing the proposed curtilage of the historic buildings to be retained. Following demolition work the curtilage(s) shall be clearly defined on site and thereafter such land shall be retained for the occupants and users of the protected buildings.

Reason: To protect the setting of the historically important buildings and ensure that their future viability is not impeded through them retaining insufficient curtilage land.

4      Within a maximum period of 4 weeks after demolition works have taken place that make it possible to see the nature of scarring and its effect on architectural elements of the protected buildings, details shall be submitted to the Local Planning Authority for approval showing how the protected buildings are to be safeguarded and repaired and setting out a timetable for the works. The works shall be completed in accordance with the approved details and timescales.

Reason: To ensure that the works do not harm the historic buildings or their future wellbeing.

5      Prior to the commencement of the demolition the building shall be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of demolition because of the need to retain a record of the building before demolition.

## **7.0 INFORMATIVES:**

### **1.      CURTILAGE**

In respect to condition 3, when providing a curtilage for the historic buildings no longer in school use it is expected that regard will be had to the boundaries of the

building's curtilage shown on the 1908 map of the site and also the benefits from providing side access strips.

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