

COMMITTEE REPORT

Date: 1 August 2024 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning
Panel

Reference: 22/02257/FULM
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Conversion and redevelopment of site to provide 120no. dwellings (use class C3) and ancillary communal space, to include new build dwellings, demolition of modern extensions and ancillary building and associated car parking, landscaping and other works (phased development)
By: Mr Richard Wilshaw
Application Type: Major Full Application
Target Date: 8 February 2023
Recommendation: Approve subject to Section 106 and referral to Secretary Of State

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the following parts of the Retreat estate which lies within the Retreat/Heslington Road Conservation Area.

- Grade II* complex of The Retreat buildings. Originally a mental asylum and developed 1793 to 1791.
- Attached unlisted structures and the unlisted gatehouse, the latter is positioned adjacent Heslington Road.
- The gardens to the south which are a registered historic park and garden (the application contains the site of the Lamel Hill Battery Scheduled Monument but excludes the Lamel Beeches complex which is to the north-west corner of the site). It also contains buildings within the grounds to the south and south-east of the main complex.
- The eastern extent of the site includes the grass lawn (referred to as Garrow Hill) and the following buildings within this area - Unlisted nos.113, and 115 (Catherine House) Heslington Road, Garrow House (Grade II listed) and 26 Green Dykes Lane positioned in the far north-east corner of the site.
- The site also includes the sloping overgrown and grassed land (Garrow Bank) which lies on the eastern side of Heslington Road where the road becomes car free and leads to the university campus.

1.2 The eastern extent of the site (east of Huntington Road) is regarded as being within the general extent of the Green Belt at this time. During the local plan examination the Inspectors recommended the Green Belt boundaries needed to be changed at The Retreat. Examination document EX/CYC/124 dated 8 August 2023 shows the proposed amended Green Belt boundary with the entirety of the application site proposed outside of the Green Belt. The revision was subject to consultation in August 2023. The Inspector’s position and way forward on the Local Plan is still pending.

1.3 The site is within Flood Zone 1.

1.4 Beyond the site, the land to the north of the site is suburban in character. To the east and west the land promptly transitions in character between urban and rural, with the site being bounded by Walmgate Stray on three sides and the university campus being in close proximity to the south-east.

PROPOSALS

1.5 The scheme is for residential redevelopment of the site, with 120 homes and communal facilities for residents. This involves conversion of the main complex (with demolition of unlisted structures) and other buildings on-site. At the eastern extent of the site demolition of Catherine House and 26 Green Dykes Lane are proposed and 18 new build dwellings on Garrow Hill and Garrow Bank (on the east side of Heslington Road) are proposed.

1.6 The overall layout includes reconfigured car parking (220 spaces excluding garages, 30 of which are for visitors). The registered park and garden would be accessible to residents. There will be limited public access to the grounds. The burial ground is not within the application site although access would continue to be provided via the Retreat grounds.

1.7 The schedule of accommodation would be as follows –

	Total
1-bed	8
2-bed	45
3-bed	52
4-bed	9
5-bed	6
Total	120

2.0 POLICY CONTEXT

Planning (Listed Buildings and Conservation Areas) Act 1990

2.1 Sections 66(1) and 72(1) place a statutory duty on the Council to ensure that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The National Planning Policy Framework (NPPF)

2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied. It must be taken into account in preparing the development plan and is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.

2.3 The main relevant NPPF sections are –

2 Achieving sustainable development – which contains the three over-arching objectives – economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

5 Delivering a sufficient supply of homes – which establishes the importance of significantly boosting the supply of homes, that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

9 Promoting sustainable transport

13 Protecting Green Belt land – which establishes the purpose of the Green Belt, how to establish and review its boundaries and the approach for proposals affecting the Green Belt.

15 Conserving and enhancing the natural environment – which establishes that decisions should minimise impacts on and providing net gains for biodiversity.

16 Conserving and enhancing the historic environment – which explains the process in determining applications which may cause harm to designated heritage assets.

Draft Local Plan 2018 (DLP 2018)

2.4 The DLP 2018 has been submitted for examination and carries weight in accordance with NPPF paragraph 49, which requires taking into account the stage of the emerging plan (the more advanced, the greater weight); the extent to which there are unresolved objections to relevant policies; degree of consistency with the NPPF.

2.5 Following the phase 5 hearing session, the Inspectors have written to the Council regarding gypsy and traveller provision. In respect of this matter alone the plan is due to be subject to further modification and consultation.

2.6 Key relevant draft local plan policies

DP3 Sustainable communities
SS1 Delivering Sustainable Growth for York
D1 Placemaking
D2 Landscape and setting
D4 Conservation Areas
D5 Listed Buildings
GB1 Development in the Green Belt
H3 Balancing the Housing Market
H10 Affordable Housing
GI5 Protection of open Space and playing fields
GI6 New open space provision
CC2 Sustainable Design and Construction
T1 Sustainable access
ENV5 Sustainable Drainage

Local Guidance

Conservation Area 8: The Retreat

2.7 The area was assigned IN 1975; the main elements of the character and appearance of the area include the Retreat set in parkland but with views out and the open landscape character.

3.0 CONSULTATIONS

Internal

Design and Conservation – Archaeology

No objection. Recommend conditions.

3.1 The below-ground archaeological impacts include an area between Heslington Road and Thief Lane proposed for new dwellings. This part of the site has seen the least development; construction here would have the most potential to impact upon

any archaeological features and deposits that may survive. Other areas of proposed development are on the site of extant buildings/wings/extensions proposed for demolition.

3.2 The area south of Garrow Hill is an area of proposed new dwelling development. This was subject to a geophysical survey and trial trenching in 2019. There has been no archaeological investigation to the north of Garrow House where further development is proposed. The former area can be subject to an investigation, covering a program of strip, map and record. For the latter evaluation can be immediately followed by any mitigation (i.e. any strip, map and record) to minimise archaeological presence during construction. The other areas of proposed development are currently occupied by buildings. A watching brief, with excavation where required, will suffice on re-development/additional services where relevant in these areas.

Design and Conservation – Ecology

No objection. Recommend conditions.

3.3 Bats – survey work has determined a number of the buildings support bat roosts and a European Protected Species will be required. A condition is required in this respect.

3.4 Biodiversity net gain - Ecological enhancements have been recommended within the Preliminary Ecological Appraisal with the aim of providing biodiversity net gain post construction. Gains include, native scrub, tree and hedge planting, wildflower meadows and wildlife ponds. The landscape strategy provided indicates that generally these features will be included within the overall design. It is recommended the applicant continues to work with an ecologist to ensure appropriate species and plant mixes are stipulated to ensure enhancements are tailored to the findings of the ecological survey work. The scheme should also aim to provide enhancement features for those fauna species found to be using or likely to make use of the application site, for example, bat and bird boxes (including integrated features in new buildings), hedgehog houses and access points, bee bricks and other invertebrate hibernacula, and features that can be used by a wider range of species (e.g., log piles). To ensure wildlife mitigation and enhancements measure are managed and maintained, the provision of a site wide management plan is considered appropriate.

Design and Conservation – Design & Conservation

Object to the architectural approach to redevelopment of West Villa.

3.5 Spring Lodge (unlisted) - raised issue with the uncharacteristic replacement windows which were of different design and proportions to the existing. This was addressed in revised plans.

3.6 Farmyard buildings – no objection to the amended proposals.

3.7 West Villa - support a faithful reinstatement of the lost character and charm of the oldest part of West Villa (the corner). If done well, this will be a vast improvement on the current building and will better reveal its significance. There was agreement (with Historic England) that if this were done, then the “ends” of the building could be replaced, and these could be of a more contemporary design. Officers preference was new elements be a modern interpretation of what has been lost. However, the current proposals do not sufficiently reflect the spirit of the original building, and are too independent of it, so they appear uncomfortable and detract from the original design intention. Officer note: the alternative architectural approach continues to be proposed as this was encouraged by Historic England in design meetings. In response to this approach, CYC design and conservation advice was that it is unsuitable. The 2-storey flat roof approach will appear uncomfortable sat between West Villa and Gentleman’s Lodge, which are single storey pitched roof buildings.

3.8 New Build – appearance - options presented for flat and pitched roof buildings. There will be little difference in wider visibility, but preference is for a traditional pitched roof form, rather than flat, which would appear out of context. The use of brick, and timber would be supported, reflecting the arts and crafts character which is locally distinctive. Clarification – pitched roof houses are proposed on the land fronting Thief Lane.

3.9 New Build – layout - development of the north-east corner of the site is harmful to both the character of the conservation area, which is currently open undeveloped and open at this corner of the site, and to the setting of Garrow Hill House (new build contained within its historic garden setting). The layout should develop a feeling of buildings within landscape, as characteristic of The Retreat.

3.10 Officer note – revised plans and further meetings have been held in respect of the layout of the new build following meetings with Design and Conservation. The layout in the north-east corner now has a linear form and courtyard arrangement and buildings moved away from the north-east corner, this gives a more landscaped character and is a layout that better respects The Retreat setting. The new build houses are primarily brick with pitched roofs. Those on Garrow Bank (looking towards the pedestrianised section of Heslington Road) have an upper section of timber and flat roofs.

3.11 Boiler House – following officer advice the proposed additional floor above the single storey boiler house was refined in design. The window proportions have

been amended in accordance with officer comments. Officers still require detail (which could be a condition) to ensure the extension is suitably elegant in respect of the cladding – zinc standing seam – and its construction and have queried the need for the fire escape / rooftop access and the design of the associated glass balustrades.

Main building

3.12 Officers have not objected to the plan form and are aligned with historic England to this effect. A strategy document has been supplied to explain the intentions around improving energy efficiency, heating strategy and the fire strategy and officers are satisfied with these proposals. Officers regard there to be harm to significance due to any interventions to the roof (cutting into roofs to form terraces).

3.13 Estate fencing – preference was for any protective or boundary railings to be low and metal only, supplemented by planting if necessary. This was addressed in the May 2024 submission.

Design and Conservation – Landscape architect

No objection – request the new build homes are consistent with tree retention.

3.14 Landscape masterplan - The proposed landscape masterplan retains/restores facilities that contribute to the special qualities of the grounds of The Retreat, including: Kitchen garden – growing gardens with outbuildings, orchard, memorial rose garden, recreation and sporting facilities (though limited), perimeter exercise path, terrace, steps and main lawn to southern elevation, main lawn and beech trees to north elevation, grassland and access to Lamel Hill, a number of pavilions. Mechanisms to protect the longevity of suitable planting plans, the quality of the meadows, and the functional layout will need to be considered through a detailed planting plan and a long-term management plan.

3.15 New build houses – request proposals are robustly compatible with existing trees. The trees and the space in which they are located make a significant contribution to the amenity and attractive character of the conservation area.

Education

3.16 Request contributions towards school places – for primary (St Oswalds), secondary (Fulford) and early years (within 1.5km catchment). The total contribution would be £875,412.

	Primary	Secondary	Early years
School(s)	St Oswald's (expansion)	Fulford	Within 1.5km

Amount	11 places £235,455	13 places £383,097	15 places £256,860
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Flood Risk Management Team

No objection.

3.17 The proposed scheme shows foul water being connected to the public combined sewer in Green Dykes Lane and surface water connection to the public surface water sewer in Thief Lane at a restricted rate of 3.6 (three point six) litres per second with appropriate attenuation up to and including the 1 in 100-year event with 45% climate change event. Ask for a condition to secure the proposed drainage scheme.

Highway Network Management

No objection subject to conditions.

3.18 Subject to mitigation which can be secured through planning obligations officers are content there would be an acceptable impact on the wider network. The following works were requested in this respect –

- Provision of a car club vehicle parking space on site.
- Heslington Road – improved crossing facilities.
- Bus stops – those adjacent the site to be upgraded so they include the following amenities – towards university shelters, seating and electronic display. Inbound – electronic display.

Internal arrangement

3.19 The technical note 01 dated 17 April 2024 was issued to address matters previously raised by officers. No objections were subsequently raised in respect of the layout. The revised plans incorporate the following requests -

- Improved pedestrian routes connecting entrance points to the wider network.
- Improvements to Heslington Road which runs through the site and gives priority to its users.
- Passing place to be included on road leading to houses at the south end of the site (coach house etc).
- Any entrance gates to be automated to assist any users with mobility limitations.

Parking

- Cycle parking - condition dimensions to ensure facilities meet standards. Overall provision is agreed.
- Car parking 220 spaces are proposed. This seems high in what is a relatively sustainable location with good walking, cycling and public transport links but the

highway authority does not have the ability to request a lower level of car parking provision.

- Car parking space for the car club is identified near the main entrance and is suitable.

Conditions

3.20 Officers asked for the following items to be covered by conditions –

- Dilapidation surveys.
- Wheel washing arrangements to prevent mud on the road.
- Contractor parking arrangements.
- Construction traffic routing and times.

Travel Plan

3.21 Officers expect the £12,500 budget to be annual for the travel plan to make a difference. Alternatively, CYC could offer travel planning support through a contribution to be secured through a S106 agreement.

Public Protection

No objection; recommend conditions.

3.22 Noise – No objection; the noise assessment proposes suitable mitigation. The proposed new build houses with gardens that would back onto University Road require acoustic fences. The apartments on the north side of the site would require alternative ventilation as noise levels require windows to be closed to achieve appropriate internal noise levels.

3.23 Construction impacts – recommend a condition.

3.24 Land contamination – condition for a remediation strategy required.

Sport and Active Leisure

S106 contribution

3.25 Following Sport England comments regarding the potential loss of cricket pitch on-site (which is not proposed). Officers advise it is known the cricket pitch quality has significantly decreased since the survey undertaken as part of the draft playing pitch strategy.

3.26 The Retreat pitch provided 4 grass wickets. The draft playing pitch strategy identifies that in 2022 citywide there is spare capacity in cricket pitch provision.

However, the east sub area (where the Retreat is located) currently has a shortfall. Key issues relevant within the strategy are as follows -

When combined with junior cricket, there is a shortfall across the East sub areas but overall spare capacity.

Population growth in the City will lead to an increase in demand for cricket and pitch supply will be impacted, this will lead to a shortfall in all sub-areas for both peak and off-peak time.

Where possible, facilities should have improved pavilions and clubhouses, nets, and car parking at existing facilities.

The strategy looks to improve capacity in the east area via quality improvements at sites with community use – Dunnington, Osbaldwick and Heslington.

External

Historic England

Support the application.

3.27 The complex is no longer suited to a health use; finding a new use to sustain its significance is crucially important. The proposals provide this, and although they require change and some harm to The Retreat, overall, their impact is considered very positive for the heritage significance of the site. The benefits of the scheme are considerable and decisively outweigh the harm. It is for the Council to consider whether the new build elements, which would cause a degree of harm to the historic environment, are justified.

Main complex

3.28 For the main building complex, the proposal is for removal of much of the unsympathetic accretions that have accumulated around the buildings. The loss of some of the corridors from the interiors is regrettable, as this is an important component of the original complex. However, the impact is minimised by being undertaken mainly in areas of lower heritage significance. Where it takes place in areas of higher sensitivity, mitigation has been sought through retaining their legibility within the layout. The proposal includes new elements such as balconies and terraces to create outdoor space for residents, and for extensions to the boiler building. Whilst these would disrupt the characteristic regular Georgian architecture, they have been done in a way that has sought to reduce impact on the fabric and character of the listed structures, minimising the impact.

Landscape

3.29 The submitted landscape masterplan outlines a positive approach to the extensive therapeutic landscape of The Retreat and responds to its significance. These proposals represent a positive enhancement of the significance of the

therapeutic landscape through its restoration (particularly the repair of the rockery), maintenance and increased public access.

New Build

3.30 New development is proposed to the East of Heslington Road. The proposed new build to the north of Garrow Hill, would have an impact on the significance of The Retreat, through occupation of originally planned open space associated with the Garrow Hill, but this would be minor in light of the much-changed nature of this space since this original garden use. The land to the South of Garrow Hill is less changed, retaining its historic character as a suburban 'country house' style landscape beyond the then edge of York. This vision, which fuelled both the therapeutic landscape of The Retreat and the private parkland of Garrow Hill House unites them with a common ethos. New development here would erode the historic character of its remaining parkland. This would result in modest harm to the significance of the registered park and garden through impacts on its setting.

Amendments

3.31 Historic England were consulted on the revised July 23 submission (with revised plans for West Villa). No further comments have been received.

The Georgian Group

Recommended revisions before consent be granted (advice on Listed Building Consent application).

3.32 Welcome the proposals to renovate The Retreat for residential use and strongly welcome retention of the building's original and highly significant axial corridors which are integral to its historic planform, and which have great evidential and historical value.

3.33 Windows - insufficient information provided about the proposed exterior works; no appropriate window schedule has been submitted.

3.34 Balconies - significant concerns about the proposed introduction of balconies to the south elevation of the central block and wings. They intrude considerably on the original designed elevations. Recommend they be omitted from the scheme. Officer note – the proposed balconies have been reduced in extent and refined since the comments.

3.35 Parks and gardens - welcomes the proposals to restore the parks and gardens and particularly to reopen the original airing courts.

3.36 Garrow Hill House - concerns with the proposed internal reorganization including loss of chimney breasts and the loss of the veranda to be replaced with a balcony. Officer note – the revised scheme addresses these concerns.

Sport England

Object.

3.37 The proposal prejudices the use, or leads to the loss of use, of land being used as a playing field (cricket pitch) that has been used as a playing field in the last five years.

3.38 The last time the cricket ground was occupied was pre covid in 2019 with an active midweek team using the ground. Sport England believe there has been occasional use since then by clubs looking for a ground for the odd game when their ground has been unavailable. There is interest in using the ground by clubs. If the tennis courts are brought back to use, then a ball strike assessment would be needed to ensure the fencing is of a sufficient height. There is excess demand for cricket in central York and Sport England would very much like to have conversations around this ground can be used by a club side to alleviate the demand.

3.39 The objection could be withdrawn if the scheme is amended as follows -

Provide details of how the sport facilities will be brought back into use including details of how they will be managed and maintained with managed community use/access including details of any discussions with local tennis, cricket and croquet clubs.

Undertake a ball strike risk assessment to see if any mitigation is needed to ensure that there is no conflict between the users of the tennis courts and the cricket ground. If ball strike mitigation is required, then provide details of the design, height and specification of any required mitigation.

NHS

Ask for a financial contribution towards Medical GP practices.

3.40 Directly impacted practices from this development will be GP practices within approximately 1 mile from the proposed development. The existing GP practices do not have capacity to accommodate the additional growth resulting from development. Draft Local Plan Policy HW5 outlines the council's support for the provision of new and enhanced primary care services when there is an identified need. Developer Contributions will be required to support the increase in provision. Based upon the proposed population and space required to meet growth a financial contribution of £112,826 has been requested prior to commencement. This would be used towards a new single storey facility.

4.0 REPRESENTATIONS

York Georgian Society

4.1 Support proposals in general.

- Gardens – would like to see increased public access.
- New build - No objection in principle but oppose the high density and inward facing nature of the layout and its limited relationship to the setting. (Officer note – this element of the scheme has been revised since comments made).
- Plan form (main building) - welcome the retention of staircases and corridor plans within the main block, although a reduction of communal spaces to create more units causes harm and reduces the likelihood for future appreciation of the interiors by the general public.
- Exterior (main building) - Amendments to the balconies and the roof terraces to reduce their aesthetic impact are positive, although object to the retention of private gardens for ground floor units, considering access to extensive communal gardens is provided.
- Internal work (main building) - Lack of detail relating to internal alterations, and concerns that the main block will be restored last in the phasing plan, have not been addressed in the revised proposals.

Conservation Areas Advisory Panel

4.2 Concerns over viability and costs for future residents associated with upkeep of the grounds. It was queried whether a trust could take on this responsibility. A lesser concern was the new buildings proposed.

Further 5 representations

4.3 Comments as follows -

- Loss of land which could be used for sport. The applicant should work with the council to provide a replacement; a contribution towards existing sports facilities would not be sufficient. The City of York Hockey Club have been seeking to build a much needed 2-pitch hockey facility in the city for circa 30 years with no luck. In February 2022, P J Livesey (applicants) issued a press release saying they would like to make contact with sports clubs in the area about the possibility of providing a new home for them. The hockey club made contact, but the applicants did not reply.
- Public rights of way – planning obligations should be sought for upgrading the footpath route code 37/1/20 Walmgate to a bridleway. The British Horse Society wish to see Footpath route code 55/198/10 and Footpath Route code 55/46/50 upgraded to bridleway status this would then link to Bridleway Route Code

7/4/10, therefore providing access to a greater number of users including horse riders and cyclists thereby complying with NPPF 100.

- Traffic generation. Additional cars coming in and out of the site will lead to increased congestion. This will be particularly in the narrow Heslington Road, which is already a problem with few drivers observing the speed limit of 20. It will also add to the university traffic, which at peak times completely clogs Green Dykes Lane right the way down to The Hull Road.
- University Road – asked whether the redundant access could be closed and the boundary wall alignment continued. Officer note – the condition regarding off-site highways works does require the kerb to be removed and the footpath made good.

5.0 APPRAISAL

5.1 Key Issues in respect of the scheme are as follows –

- Principle of the proposed use
- Green Belt
- Landscape and visual impact
- Impact Heritage Assets
- Playing fields and open space
- Accommodation mix and affordable housing requirements
- Archaeology
- Ecology
- Sustainable design and construction
- Public protection
- Drainage & flood risk
- Highways impact
- Education
- Healthy and safe communities
- Planning Obligations
- Overall Planning Balance / consideration of very special circumstances / phasing

Principle of the proposed use

5.2 The buildings on site are no longer fit for health and clinician purposes, therefore the Retreat withdrew from providing the delivery of inpatient services in December 2018, with the majority of the site being vacant since this time. The Retreat transferred their services to the Schoen Clinic on Haxby Road in 2018, and a new, purpose-built health clinic to accommodate The Retreat's health services is to be provided at Terrys Bishopthorpe Road. The majority of the Retreat buildings

are listed. York can only meet its identified housing need with the use of Green Belt sites (as identified in the draft Local Plan 2018).

5.3 Residential re-use of the buildings in principle accords with NPPF policy; to support the Government's objective of significantly boosting the supply of homes as set out in section 5 regarding housing supply, the requirement to give substantial weight to the value of using suitable brownfield land within settlements for homes as set out in section 11 on making effective use of land and section 16 regarding the historic environment which advises it is desirable to put heritage assets to a viable use, consistent with their conservation. The extent the scheme is consistent with the latter is discussed in the following section regarding heritage assets.

5.4 In addition to re-use of the buildings there are 18 new build homes proposed on the eastern side of the site and demolition of existing buildings. The principle of this development, applying the NPPF, requires an assessment as to whether this land falls within the general extent of the Green Belt. The assessment is covered in the following section.

Green Belt

5.5 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York. The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

5.6 The NPPF states the Green Belt has five purposes, these being as follows –

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.7 The *Wedgwood v City of York Council* Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of an adopted Local Development Plan that specifies what is and is not green belt, ... the council must apply the high-level policy rationally to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to

- The 2005 Draft Local Plan incorporating the full set of changes
- The DLP 2018, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.8 In respect of applying draft local plans the 2005 draft is regarded to have very limited weight; it has been superseded by the 2018 draft.

5.9 Following recommendations from the Local Plan Inspectors, the proposed Green Belt Boundary at The Retreat was varied and subject to consultation in August 2023. The consultation resulted in 4 representations including objections. The proposed boundary is shown on document CYC/124 dated 8 August 2023. None of the application site is within the Green Belt as proposed.

5.10 As proposed earlier in the DLP 2018 (at publication stage and in the February 2023 consultation) the gardens south of the main complex were proposed to be within the Green Belt as is the eastern extent of the site (east of Heslington Road). Within these areas of Green Belt, new build is proposed on the east side of the site and a replacement building by the complex of farm buildings south of the main complex.

5.11 The 2003 Green Belt Appraisal identified the city's most important areas of Green Belt taking into account the setting and special character of the city. The land on the east side of the site (north of Heslington Road) was not allocated in the 2003 appraisal.

5.12 In applying the Wedgewood approach the grounds of the Retreat to its south side are contained within a walled garden. The land of the eastern side of the site (where new build houses are proposed) has urban development on three sides and Heslington Road runs through The Retreat and into the university on its other side; it does not have the characteristics of countryside and nor in officer's opinion, does it fulfil Green Belt purposes. Given the site-specific features and the setting, and in accordance with the opinion of the Local Plan Inspectors, the land (where development; new-build houses are proposed) is not regarded to be Green Belt and it does not serve any of the five green belt purposes described in the NPPF.

Landscape and visual impact (on Garrow Hill)

5.13 The northern section of the land at Garrow Hill is mown and surrounded by buildings. The land south of Garrow Hill, Garrow Bank, sloping down to Heslington Road has a more rural appearance and countryside character. The latter has been analysed by Historic England as having the landscape character of the wider setting of wealthy-owned country homes at the rural edge of the city and overlooking The Stray. The landscape is undesignated and is not of public recreational value. The value attached to views of the site would be low in visual impact assessment terms;

the views would have a local effect (from surrounding streets) but have no formal planning status and do not involve designated landscapes. The landscape and visual impacts are low and in this case the effects would be outweighed by the benefits of housing delivery.

Impact Heritage Assets

5.14 Section 16 of the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.15 In assessment of potential impact section 16 paragraph 205 explains 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Significance

Retreat – listed buildings and registered gardens

5.16 The historic buildings at the core of the site are listed Grade II*. They include the original block of 1793-7 (raised in height in 1837 and 1839), additional wings and associated airing courts (1799 and 1803), L-shaped wings (1850s), the buildings of the Gentlemen's Lodge (1870s), Nurses' Home/West Villa (1889), Recreation Hall (1907), rebuilt link to the Gentlemen's Lodge (1908), boiler house (1923) and the Nurses' Hostel (1937-40). A number of utilitarian post-war additions are specifically excluded from the listing.

5.17 By 1874 the farm south of the buildings had been enlarged with a new stables and coach house, and a coachman's cottage. A new drive had been constructed along the eastern boundary of the grounds to the burial ground with a turning area for carriages.

5.18 Between 1894 and 1895 the recreational choices in the grounds were expanded by the provision of more sports facilities, a bowling green, croquet lawn, large cricket pitch and a hockey pitch were constructed. A cricket pavilion was

erected in 1896. A walk was also made round the southern and western boundaries to provide an additional exercise route.

5.19 The historic significance of the complex derives from William Tuke's radical approach to the treatment of the mentally ill, shaped by his Quaker beliefs. It is of national importance in the reform of mental health care; the Retreat was the most influential asylum of its time, its humane treatment of the mentally ill was far-reaching, being instrumental in fundamentally changing their care.

5.20 The humane treatment pioneered at the Retreat led to the Asylums Act of 1808 and subsequently Tuke's evidence to the Select Committee on Madhouses of 1814 to 1816 contributed to the impact of the inquiry's report championing the new reforming ideology of humane treatment whilst discrediting older, more brutal methods.

5.21 Historic England's Register of Parks and Gardens of Special Historic Interest in England identifies designed landscapes of national significance. The significance of this site is as follows -

Historic interest: as the prototype therapeutic asylum landscape which was to directly influence the design for all future asylum landscapes.

Design interest: the grounds were designed for the benefit of the patients both through recreation and exercise, being landscaped with gardens and walks, kitchen gardens and a small farm in the manner of a small country house estate, and later in the C19 with an increased provision of sports facilities.

Historical association: devised by the asylum reformer William Tuke as a fundamental component of his more enlightened and humane treatment of the insane which was hugely influential in future provision of care for the mentally ill. The humane treatment pioneered at the Retreat led to the Asylums Act of 1808

5.22 The allocation terminates at Heslington Road and does not include Garrow Hill / Garrow Bank in the north-east corner of the site.

Conservation area

5.23 The main elements of the character and appearance of the area are: The Retreat, set in parkland surrounded by high walls but with views out. A series of gardens and adjoining parkland, giving a very open landscape character. The Conservation Area extends west to York Cemetery, south to Walmgate Stray and east to the landscaped campus of the University. It consists mainly of open greenspace on the edge of the city.

Potential Impacts and assessment on significance

Main buildings

5.24 Plan form – the plan form is a strong element of the buildings historic significance as it explains the functionality of the buildings original use and how this adapted over time. The proposed reuse of the building has minimum harm in this respect as it retains plan form in areas of highest significance. Historic England advice was that “the overall approach taken to conversion is sympathetic to the historic interiors, preserving a regular and ordered arrangement of spaces, in line with their significance and character as originally created. The loss of some of the corridors from the interiors is regrettable, as this is an important component of the original complex. However, the impact from this loss is minimised by being undertaken mainly in areas of lower heritage significance”.

5.25 The exteriors of the buildings will be enhanced through the removal of later additions. The demolitions, in particular removal of the 20th century flat roof building in-front of the recreational hall (which obscures the principal and decorative facade) and multiple removals to the rear of the main building better reveal the original façades and the building’s interaction with the courtyards. The arrangement of the courtyards and landscaped setting to the building are also better revealed. These works have a very high beneficial impact in terms of both the architectural and historic importance of the heritage asset.

5.26 There would remain some timber framed glazed entrance lobby areas, for example on the south-west wing. However, there are existing such structures in these areas; the impact is therefore neutral.

5.27 Windows have been altered over time and therefore there is an inconsistency in the fenestration; this is harmful to the architectural value of the building. The proposals would involve submission of a full window schedule to rectify this (through condition). In line with Historic England advice replacement of non-historic windows, of an appropriate style and with enhanced energy efficiency will be supported.

5.28 The scheme introduces apartments at lower ground / basement level. This is achieved whilst retaining original window widths; to respect the hierarchy / order of the architecture. Historically the building has lightwell areas that provide daylight to these areas. An approach to providing outside private amenity spaces to the apartments, which respects the appearance of the host building and its landscape setting, has been agreed. On outward facing elevations boundaries will be identified by low railings and hedges. Solid screens are to be kept low and only to a minimum extent where they provide separation between neighbouring spaces; to minimise prominence. The works are beneficial in respect of putting the building to a viable use whilst minimising their impact to the extent they are clearly and convincingly justified i.e. the public benefits outweigh the harm.

Roof terraces

5.29 As discussed above the demolition of later additions are proposed around the site that better reveal the historic facades. The applicant has a fundamental requirement for apartments to be provided with their own outside amenity space, where possible. Roof terraces are only proposed either above existing projections (such as bay windows) or in areas where later additions will be removed. The size and design of the additions intentionally minimise their prominence. Historic England advice was that “the proposal includes the introduction of new elements such as balconies and terraces to create outdoor space for residents, and for extensions to the boiler building. Whilst these would disrupt the characteristic regular Georgian architecture, they have been done in a way that has sought to reduce impact on the fabric and character of the listed structures, minimising the impact. Overall, these alterations are considered to have a minor harmful to the heritage significance of The Retreat, and decisively outweighed by the positive enhancement benefits of the removal of later accretions from the buildings”. Since these comments the roof terraces were refined further and given the starting point it can be concluded that this element of the scheme does not harm significance.

Recreation hall

5.30 The hall is positioned at the front of the main buildings. It was built in 1907, is of arts and crafts style, and included in the Grade II* listing. The original main façade is mostly concealed by a large single storey flat roof 20th century addition.

5.31 The hall will be available for use of residents and potentially the wider community. The 20th century addition is to be removed and this will reveal and restore the main façade. No alterations to the historic interior are proposed. The works have a very high beneficial impact.

Boiler house

5.32 The boiler house dates from 1923 and is positioned on the eastern side of the site. The building is a flat-roofed, single-storey red brick structure, top lit. The old boiler remains inside. It is a utilitarian structure, primarily of historical and technological interest.

5.33 Initially there were proposals to demolish the boiler house structure however this was opposed. The scheme in the application proposes cycle storage within the basement (ramped access), two-dual aspect apartments at ground floor and a new rooftop extension to provide a further apartment on the roof. The new build is setback from the eastern (outward) elevation, which contains decorative brickwork. It would be clad in standing seam cladding punctuated by glazing that respects the pattern of fenestration below. The extension is of a contrast to the architecture of the main buildings and is subservient in its scale, positioning and detailing. The advice from Historic England was that whilst the building “would disrupt the characteristic regular Georgian architecture, they (comments are in reference to the

West Villa extension also) have been done in a way that has sought to reduce impact on the fabric and character of the listed structures, minimising the impact. Overall, these alterations are considered to have a minor harmful to the heritage significance of The Retreat, and decisively outweighed by the positive enhancement benefits of the removal of later accretions from the buildings". the boiler house extension would, overall, not harm the significance of heritage assets.

West Villa

5.34 West Villa was built in 1889. It is positioned in the south-west corner of the group of buildings. As designed west Villa was a single-storey gabled structure of picturesque design, with exposed decorative timber framing, tall chimney stacks and a landmark tower/turret. The turret and stacks were demolished in the late 20th century and the timber framing was obscured or replaced with render. There is a modern flat roof infill at the centre of the structure and extension on the south side. The degree of alteration is such that the interest of the building is primarily historical rather than architectural.

5.35 Demolition of later sections of the building are proposed, with the remaining original south-west corner retained and restored. The proposed extension would be 2-storey and setback from the south elevation. The architecture is a similar style to the approach to extend above the boiler house. It was advocated by Historic England, who sought a contrast with the architectural style of West Villa. The Council's Conservation Officers do not favour this approach as the extension infills between single storey extensions, the contrast does therefore not appear as subservient as on the east side of the site where neighbouring structures would remain far more dominant compared to the extension above the boiler house. However, the recessive positioning of the new-build would reduce its visual impact; it does not step forward of the pitched roof of West Villa. The restoration of what remains of the original West Villa is also beneficial. The advice from Historic England were that the benefits outweigh the harm. It is concluded that this intervention overall does not cause harm.

Gentleman's lodge

5.36 The Gentlemen's Lodge was built in 1875-7. It is listed at Grade II*. The building is single storey and positioned on the south side of the complex, overlooking the gardens. It is a picturesque red brick design with elaborate chimney stacks punctuating the skyline.

5.37 There is a proposed new structure on the east side that will give symmetry and be complementary in general form and materials. The extension is regarded to have a neutral effect. On the central wing one of the rooflights is to be removed to allow external roof terrace recessed within existing roof. The removal of the rooflight will have a very low harmful effect on the building's architectural significance.

Energy strategy

5.38 An energy strategy has been issued in respect of the listed buildings, explaining how the fabric will be upgraded. Lining of walls and upgrades to windows are proposed. The latter will be secured by condition as the approach will vary depending on the historic importance of each window. The applicants have advised they would like to maximise use of PV roof panels. However an approach for PV on Listed buildings is not contained on the submitted plans (PV is shown to the covered parking and new build houses). If PV is proposed this will need to be in a further listed building consent application. The extent to which PV would be permitted would be subject to national guidance on such in historic environments at the time of determination.

Gatehouse

5.39 Towards the front of the site (by the main entrance) are a complex of single storey flat roof buildings (unlisted) dating from the late 1960's / 1970's proposed for demolition. The façade of the recreational hall (grade II*) would be restored. The buildings are out of character with the main complex and the demolition is highly beneficial in heritage terms. Within this location a single dwelling is proposed. This is referred to as the gatehouse and would replicate the general form of a substantial villa that fronted Heslington Road prior to the introduction of the 1960's addition. The proposed building here is justified considering the historic context. The architecture has been improved since original submission, referencing the design of the house previously onsite, and incorporating advice by the Civic Trust. The works overall enhance significance.

Eastern side – Spring lodge, Garrow Hill House (Grade II listed), East Villa, New build houses

Spring Lodge

5.40 Spring lodge is located on the east side of the site next to Garrow Hill House; it is not listed. Its main section is two-storey, white rendered, with single storey wings on each side. Windows are modern with upvc frames. Proposals are conversion into a single dwelling. Its front (north) elevation sits alongside Garrow Hill House. The neighbouring building and the rear boundary wall otherwise give it a secluded location. Design and Conservation officers raised issue with proportions of new window on north elevation originally. The scheme has been revised and on the outward facing (north) elevation window proportions are to remain as existing. The existing windows are of unsympathetic material and replacements in either timber or aluminium would improve the architectural quality of the building. A condition would deal with window detailing. The works would improve the appearance of the building and cause no harm to the setting.

Garrow Hill Boiler House

5.41 The building is behind Garrow Hill House. Proposals are for the building to be converted to a single dwelling with minimal intervention; upgrades to doors and windows only. As with Spring Lodge new windows would be covered by a condition. The works have a minor beneficial impact through bringing an underused building back into use.

Garrow Hill House

5.42 Garrow Hill House was built as a single dwelling in 1835 and is listed at Grade II. It was acquired by the Retreat and around 1930 was adapted to house 40 patients and to be a nursing home.

5.43 The proposals are to convert to 7 apartments. The scheme has been revised so the façade and entrance arrangements are preserved and the balcony on the east elevation, above an existing bay window is a sympathetic installation. There were originally extra balconies to other elevations. These looked out of character and have been omitted. The proposals include removal of some windows, a conservatory to the rear and later partitions. The external elements are later additions not of merit and internal removals relate to the latter functional additions associated with use of the site by the Retreat. The principal staircase is retained and there is no loss to the plan form of the original house as a result of the demolitions. The proposed layout reasonably preserves the plan form in the main section of the building. The external works are subject to large scale details approval but in principle are sympathetic.

East Villa

5.44 The East Villa is a detached building dated 1891 which sits against the boundary wall with Heslington Road, it is not included in the listed buildings identified in the 2018 description. The building is to be converted to single dwelling with garages. The impact on the setting of listed buildings and the conservation area is neutral.

New Build

5.45 New build houses are proposed on the land to the east of Heslington Road. The land is outside of the grade II* listed park and garden associated with the Retreat. The land is within The Retreat Conservation Area. Less than substantial harm to the conservation area is identified as a consequence of the new build.

5.46 The main elements of the character and appearance of the area include the adjoining parkland to the Retreat, giving a very open landscape character. The

buildings would be to the side of Garrow Hill House; Grade II listed. Existing buildings on the land would be demolished. The buildings to be demolished do not contribute in a positive way to the character and appearance of the conservation area.

5.47 It is proposed to add 13 houses on the north-east side of the site. These houses are offset from Garrow Hill House and do not harm its setting. The buildings have been arranged in a formal linear nature, following advice from the Council's Conservation officers, this layout typology respects the arrangement of buildings on the Retreat site. House types are contemporary in detail with traditional forms (including pitched roof) and materials. They are a mix of single and two-storey; this assists with maintaining the prominence of Garrow Hill House and for the proposed houses maximising the views towards the Minster. Boundary treatment is intentional to retain the open setting.

5.48 The Civic Trust advocated a more intensive redevelopment of this area. It is much changed, and the impacts of development would be minor (and outweighed by the benefits of housing and the economic benefits of assisting with restoration of the Retreat site). Historic England also found that the harm to the setting would be minor.

5.49 On the south side of Garrow Hill (Garrow Hill Bank) 5 detached dwellings are proposed. These are 2-storey with flat roof, clad in red brick at ground floor level and timber cladding above. Their form and materials intended to help them integrate into the sloping site that has a somewhat rural character, appreciated from Heslington Road. This development has an adverse effect on the open landscape character of the conservation area, which is identified in the conservation area description as a main characteristic.

Gardens

5.50 The overall gardens have been subject to a landscape appraisal, undertaken by a landscape architect and in conjunction with historic England. The restoration is a benefit that weighs in favour of the scheme.

5.51 Entrance / frontage – pedestrian access is improved at the front of the site and along Heslington Road; currently dedicated paths are restricted in this area.

5.52 Airing courts / courtyard – the main courtyard and gardens immediately around the retreat buildings would be enhanced by removal of later added buildings, which are harmful in terms of their impact on the appearance of the original buildings but also the setting by compromising the courtyard gardens. The significance of the original gardens, arrangement of airing courts and uses of the gardens are better revealed as a consequence of the scheme.

5.53 Sports pitches - the continued use of the recreational facilities is documented in the landscape appraisal and masterplan which illustrate the cricket pitch and tennis courts retained. There is no change or loss of such facilities as part of this application. The impact on heritage is neutral.

5.54 Car parking – there is minor reconfiguration of car parking on the south-east, north-west and western sides of the site. These do mean a minor loss in area of existing grassed areas. Associated with these areas are the new covered and secure cycle stores. These are freestanding due the constraints in providing access into basement areas (gradients and space for getting cycles through historic entrances). The loss of garden areas due its amount and the landscape design will not have a material impact on the overall landscape character.

5.55 Allotments / orchard – these areas will be brought back into active use for residents and volunteer groups. The impact on heritage is neutral.

5.56 Public access – The Quakers will continue have access, and use of, the burial grounds. The Lamel Hill scheduled monument to the east side of the site will have public access and historic pathways reinstated. The character and use of the gardens historically are their containment and for therapeutic use by its residents. Historic England advice is that wider public access would be contrary to significance. However, the applicants do propose to permit limited public access to the gardens via a heritage trail around the site. The access arrangements would be administered by the management company.

South Farm range buildings

5.57 South of the main complex of buildings and within the gardens are a group of agricultural buildings. On the east side of the access road the former coach house (stables and later mortuary) is grade II listed. It would be converted to 2 dwellings. An extension is proposed to the rear. This is required to enable circulation whilst retaining the original staircase. The works are justified and of a scale and location to avoid impacting the vernacular of the building. Windows and doors use existing reveals on the principal elevations.

5.58 The other buildings are unlisted - the farmyard buildings behind to the south and the cottage and west farm range on the opposite side of the road. The farmyard buildings are to be replaced by a pair of 2-storey houses with single storey garages. The building scale, form and detailing is to reflect the agricultural character of this group of buildings. Buildings on the west side of the road are converted into 3 dwellings. The scheme is a conversion; the only external works at first floor terrace, would be reasonably screened by a parapet wall and have an acceptable effect.

5.59 The works enable re-use of the buildings of most significance and respect the rural setting. Large scale details would be required by condition. Subject to

appropriate details (to be secured through condition) the works would cause no harm.

Playing fields and open space

5.60 The cricket pitch, bowling green and tennis courts within the grounds of the Retreat are designated as existing open space in the DLP 2018 (proposals map south). DLP 2018 policy GI5: Protection of open space and playing fields states proposals will not be permitted which would harm the character of, or lead to the loss of, open space of recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. The background text advises that “open spaces, regardless of ownership, make a significant contribution to the character of York. These areas are also valuable in terms of supporting health and well-being. It is therefore essential that these spaces are protected while allowing improvements to their recreational capacity and/or environmental value”.

5.61 Whilst the open space is not to be built upon it is proposed that the bowling green is restored to meadow. The tennis courts are shown as restored and there is no change to the cricket pitch.

5.62 Sport England advised as follows on the facilities –

- The club that used to bowl out of The Retreat is now co-located on a private bowls green being integrated within a very successful bowling and social club facility, this arrangement seems both sustainable and beneficial to bowls in the York area.
- The cricket pitch was used pre-covid, there is demand for cricket pitches and there has been interest in using the ground by clubs.

5.63 The Council’s sport and active leisure team have advised that the loss of the Retreat Cricket Pitch would have a detrimental effect to the present and future issues relating to Cricket Provision within the East of the city. When combined with junior cricket, there is a shortfall across the East sub areas. Population growth will lead to an increase in demand for cricket and pitch supply will be impacted, this will lead to a shortfall in all sub-areas for both peak and off-peak time. The current spare capacity on sites will reduce. Clubs with current pitch pressures are likely to have greater usage on these sites, particularly within the East sub area.

5.64 Following comments in respect of the use of the cricket pitch the landscape proposals have been revised and the applicants have confirmed the scheme proposes no change to the cricket pitch. There is regarded to be no loss of open space of recreational importance and no conflict with draft local plan policy GI5 that results in harm. The full requirements of Sport England (full details of community use agreements for all sports facilities and ball strike assessment to avoid conflict

between the cricket and tennis courts) are unreasonable as they go beyond the existing situation and arrangements to which there is no proposed change or effect as a consequence of the development proposals. Sport England advice is they will oppose any development that would lead to the loss or, prejudice the use of, a playing field unless certain exceptions apply. It is considered the exceptions do apply, (exception E2) because the proposals would not affect the quantity or quality of pitches or adversely affect their use. The Sport England objection remains and as they are a statutory consultee referral to the Secretary of State would therefore be required if the authority were minded to approve the application. If it were determined that the re-use of the tennis courts would adversely affect use of the cricket pitch, then officer's advice would be that the overall benefits of the restoration of the listed buildings and gardens would outweigh the harm.

5.65 To provide for the future residents of the site, when applying local supplementary guidance, as specified in DLP 2018 policy GI6, an off-site contribution would be £70,077. This would be secured by way of a planning obligation.

Open space

5.66 All residential development proposals are expected to contribute to the provision of open space for recreation and amenity as set out in DLP 2018 policy GI6: New open space provision. The policy refers to current standards as set out in the Open Space and Green Infrastructure Audit.

5.67 The site includes the Grade II* registered park and garden that are associated with The Retreat. The scheme includes a landscape appraisal, strategy and associated masterplan that have been progressed considering the significance of the site and in conjunction with landscape architects at Historic England. The historic significance of the gardens, including their original principles of a productive and healing landscape, has been the determining factor in their design, taking into account. Historic England have recommended restrictive access, in a similar way to how the National Trust manage certain sites. The sports facilities emerged in the late 1800's (cricket) and further facilities in the early 1900's. The proposals include a variety of types of amenity space, including food production. The landscape masterplan provides a reasonable level of amenity space for future residents as required under policy GI6.

Accommodation mix and affordable housing requirements

5.68 DLP 2018 policy H3: Balancing the housing market states that the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should

therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

5.69 DLP 2018 policy H10: Affordable housing requires targets of 20% on brownfield sites and 30% on greenfield sites. In accordance with the NPPF it advises Vacant Building Credit will be applied where appropriate and that an off-site commuted payment in lieu of on-site provision will only be acceptable if robustly justified.

5.70 Accommodation mix - Of the homes proposed 97 of the 120 are either 2 or 3 bedroom in size. This is aligned with the Local Housing Needs Assessment which identifies these as the sized homes in most need.

5.71 Affordable housing - Following the application of vacant building credit (involving the re-use of buildings and the proposed demolitions) the overall affordable housing contribution equates to 3 dwellings. It has been agreed with housing colleagues that an off-site contribution would be robustly justified in this case because of the service charges that would derive from both the upkeep of the building and the extensive grounds at The Retreat. The associated service charges have been subject to review as part of a viability appraisal exercise, independent advice issued to the Council are that these are considered reasonable in this case. An off-site contribution (based on average sale value of a market home minus average affordable housing transfer value) would amount to £1,446,802 and is agreed.

Archaeology

5.72 DLP 2018 policy D6: Archaeology advises that proposals affecting archaeological features will be supported where they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and if the impact of the proposal is acceptable in principle; detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.73 The below-ground archaeological impacts includes an area between Heslington Road and Thief Lane proposed for new dwellings. This part of the site has seen the least development and construction here would have the most potential to impact upon any archaeological features and deposits that may survive. The south parcel of land was subject to surveys and trial trenching in 2019. Conditions are recommended for an appropriate scheme of investigation. This would entail a program of strip, map and record on land previously investigated and evaluation and mitigation. For areas around the Retreat buildings, which have already been developed a watching brief on groundworks is deemed reasonable.

Ecology

5.74 Section 15 of the NPPF, paragraph 180 advises planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.75 The scheme proposes biodiversity enhancements within the landscape strategy, through incorporation of native scrub, tree and hedge planting, wildflower meadows and wildlife ponds. This enhancement will be secured through condition. This would be policy compliant. The scheme was submitted prior to introduction of mandatory 10% biodiversity net gain on large scale sites. A lighting strategy for the overall site has been issued and informed by ecological requirements. This is to be secured by condition.

5.76 The site has been subject to site surveys throughout 2022 and 2023. The surveys identified bat roosts in multiple buildings around the site. Government guidance: Protected species and development: advice for local planning authorities (2023) advises that if a proposal is likely to affect a protected species planning permission can be granted where:

- a qualified ecologist has carried out an appropriate survey (where needed) at the correct time of year;
- there's enough information to assess the impact on protected species;
- all appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured;
- a protected species licence is needed it is likely to be granted by Natural England or Defra;
- any compensation measures are acceptable and can be put in place;
- monitoring and review plans are in place, where appropriate;
- all wider planning considerations are met.

5.77 The Bat Survey reports are sufficient and determine that a European Protected Species Licence (EPS), which would be issued by Natural England, will be required before work commences on the relevant buildings. The surveys are acceptable in setting out compliance with the criteria for an EPS (justification, method of works and mitigation measures). A condition would secure the requirement in accordance with policy for habitats and biodiversity in the NPPF.

Sustainable design and construction

5.78 As modified DLP 2018 policy CC2 requires new-build schemes aim to achieve future homes standard (a 75% reduction in carbon emissions compared to 2013 Building Regulations). At the least dwellings are required to achieve an improvement of 31%. The requirement shall be secured through planning condition. No specific carbon reduction targets are specified to the listed buildings due to their

significance. However, the application is supported by an energy strategy explains how the building fabric will be sensitively upgraded and there is an aspiration to add PV panels where allowable.

Public protection

5.79 Section 15 of the NPPF requires a site be suitable for its proposed use taking account of ground conditions and any risks arising from contamination. In respect of noise it advises; mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Section 9 regarding promoting sustainable transport advises application for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- Noise – a noise assessment determines mitigation to ensure suitable noise levels within the new build (homes and gardens) in respect of traffic noise. Measures can be secured through conditions.
- Land contamination – an initial risk assessment has been undertaken which recommends on site investigation to determine the extent of any on-site remediation. The process can be dealt with through the use of planning conditions.
- EV charging – Building Regulations are now comprehensive in terms of EV requirements for residential developments. The regulations would ensure the local targets in the low emission strategy (5% active and 5% passive provision for EV charging points) are met.

Drainage and flood risk

5.80 The site is not within a flood risk area. The drainage strategy for the site proposes a reduction in surface water run off (compared to existing rates), in accordance with DLP 2018 policy ENV5.

Highway Impacts

5.81 The NPPF in section 9 (promoting sustainable transport) encourages development that is sustainably located and accessible (thereby offering a genuine choice of transport modes). It requires that all development achieves safe and suitable access for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Development should give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between

pedestrians, cyclists and vehicles. DLP 2018 policy T1: Sustainable access states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it. Paragraph 14.3 advises that the transport policies of the plan are to –

- provide quality alternatives to the car
- provide strategic links
- implement behavioural change
- tackle transport emissions
- improve public streets and spaces

Impact on the network

5.82 The site currently provides for some 191 car parking spaces. The proposals increase the number of spaces on site up to 220 (5% will be disabled sized spaces and 30 spaces would be visitor parking). The proposals involve upgrading the existing bus stops, to include shelters and real time displays to encourage use. The proposed development has been modelled (applicants updated transport assessment July 2023) and it is concluded there would not be a detrimental impact on the network. When modelled the proposed use would have a lower impact compared to the former use (if at full capacity). There is no objection from highways officers in respect of the impact on the network.

Measures to promote sustainable travel

5.83 Upgrades to the bus stops in- front of the site; shelters, seating and electronic display have been agreed and will be delivered through a planning condition.

5.84 The cycle storage strategy includes a total of 333 spaces. 12 are visitor spaces, the rest of covered and secure and include 20 spaces large enough for cargo bikes. This is sufficient for the 120 dwellings proposed and is compliant with LTN 1/20 recommendations for 1 space per bedroom. In addition, the proposed new-build houses have garages which could accommodate more cycles if residents desired.

5.85 The Travel Plan has been re-issued with appropriate contingency measures including funding allocated if its targets not met. The overall budget would be secured through a planning obligation. The funding for the co-ordinator of the plan and the actions should targets not be met has been adjusted following input from officers. The plans show a car club space at the main entrance (by the recreation hall) and future residents will be offered incentives to use the car club, as an alternative to private travel. A Travel Plan for this development would be justified following DLP 2018 plan T7: minimising and accommodating generated trips.

5.86 Revised plans have been secured that provide improved inclusive pedestrian access from Heslington Road into the scheme and through the site.

Education

5.87 Paragraph 99 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement. The NPPG acknowledges that in principle planning obligations towards education are appropriate and it states “plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts”.

5.88 DLP 2018 Policy ED6 (education) states “the provision of sufficient modern education facilities for the delivery of preschool, primary and secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated”. Draft Local Guidance (developer contributions towards education facilities) explains how contributions for major development will be sought and the associated costs.

5.89 Based on the proposed accommodation mix a request has been made for contributions towards school places – for primary 11 spaces (St Oswalds), secondary 13 spaces (Fulford) and early years 15 spaces (within 1.5km catchment). The total contribution would be £875,412. This is accepted by the applicants.

Healthy and safe communities

5.90 In NPPF section 8. Promoting healthy and safe communities paragraph 97 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

5.91 Policy HW5 of the DLP 2018; Healthcare Services advises that improved, enlarged or additional primary healthcare facilities will be required to support residential developments that place additional demands on services beyond their current capacity, in line with the NPPF. Developer contributions will be required to support the increase in provision. An assessment of the accessibility and capacity of existing primary care services will be required at the application stage.

5.92 The NHS have requested a contribution towards facilities. They advise that existing practices within 1.5km of the site would not have capacity to accommodate increased demand resulting from the proposed development. The GP practices are showing a collective health infrastructure deficit of 263.47m², thereby demonstrating

that the surgeries do not have existing capacity to absorb any additional residents. Due to the forecasted growth, the NHS have calculated an additional floorspace requirement of 18.77 sqm, which would have a cost implication of £112,826.

Planning Obligations

5.93 The NPPF states “plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure ... Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”.

5.94 The policy context in justification of planning obligations is set out in the above paragraphs. The obligations, to be secured through S106 agreement are as follows

- Affordable housing
 - Off-site contribution equivalent to three dwellings of £1,446,802.

- Education
 - Contributions towards school places £875,412.

	Primary	Secondary	Early years
School(s)	St Oswald’s (expansion)	Fulford	Within 1.5km
Amount	11 places £235,455	13 places £383,097	15 places £256,860

- Sustainable travel
 - £48,000 to be committed towards implementation of the travel plan. To include a budget of £24,000 towards car club membership and drive time for first occupants.

- Off-site-Sports
 - £70,077 towards facilities within a 15-minute walk of the site.

- Healthcare
 - To fund expansions to capacity at either Park View or Tang Hall Lane surgery or an alternative specified facility within a 1.5km distance of the site) - £112,826.

- Retreat Gardens
 - A scheme to provide for limited public access to the grounds and provision for ongoing maintenance of the grounds.

Monitoring Fee

- £7,800 (£1,300 per item x 6).

Overall Planning Balance

5.95 In respect of the impact on heritage assets each element of the scheme affecting the Retreat complex are clearly and convincingly justified and the benefits are found to outweigh the harm.

5.96 The new build houses on the east side of the site are found to have a low adverse impact on landscape and visual impact and less than substantial harm to the character and appearance of the Retreat Conservation Area. Whether these harms are grounds for refusal are a matter of planning balance, to be considered against the benefits of the scheme. In terms of the adverse effect on the Conservation Area, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.97 The scheme would deliver restoration of the complex of Retreat buildings and the ongoing maintenance and upkeep of the grounds; the grounds are Grade II listed. The advice from Historic England is that the proposal has an overall highly beneficial impact on the heritage significance of the site. The application scheme has clear potential to enhance and better reveal the significance of the buildings and landscape whilst finding a new viable use which would ensure the long-term sustainability of the site ... what is very clear is that, overall, the proposal would have a very positive impact on the historic environment of The Retreat.

5.98 The key benefits derived from the scheme and the weight they attribute are as follows –

- Re-use of vacant Grade II* listed buildings consistent with their ongoing viability and conservation. Substantial weight.
- Restoration and long-term maintenance of registered gardens secured. Substantial weight.
- Removal of later additions to Grade II* listed buildings which detract; the works better reveal the architectural qualities of the listed buildings on site, enhances their setting and restores the original layout and functionality of the Grade II listed gardens. Substantial weight.
- Housing delivery. Significant weight.
- Sustainable transport improvements. Moderate weight.

5.99 The benefits of the scheme, explicitly the substantial benefits to the Grade II* listed Retreat building and its Grade II* listed gardens, clearly outweigh the less than substantial harm to the character and appearance of the conservation area and the low level of landscape and visual impacts of the scheme.

6.0 CONCLUSION

6.1 In principal the proposed residential-lead redevelopment of the site (which is almost entirely vacant) and overall benefit to heritage assets is consistent with all three overarching objectives of sustainable development in the NPPF: economic, social and environmental. The benefits of the scheme clearly and convincingly outweigh the identified harm, which is a low adverse impact on landscape and visual impact and less than substantial harm to the character and appearance of the Retreat Conservation Area. Following the appropriate technical assessment, the land is not regarded to be Green Belt.

6.2 All relevant technical issues can be addressed through use of conditions and the heads of terms are agreed to secure affordable housing and other necessary infrastructure through a legal agreement. Approval is recommended subject to the conditions and planning obligations listed below in section 7.

6.3 If the Council were minded to approve the application then referral to the Secretary of State due to the objection from Sport England would be required, following the Town and Country Planning (Consultation) Direction 2024 and Section 77 of the Town and Country Planning Act 1990. The referral is required because the site includes playing fields and there has been an objection from Sport England.

7.0 RECOMMENDATION:

7.1 That delegated authority to be given to the Head of Planning and Development Services to:

- Determine the final detail of the planning conditions and planning obligations below.
- Refer the application to the Secretary of State for Communities and Local Application Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then

APPROVE the application subject to planning conditions and completion of a s106 legal agreement to secure the items listed below.

Affordable housing

Off-site contribution equivalent to three dwellings of £1,446,802.

Education

Contributions towards school places £875,412.

	Primary	Secondary	Early years
School(s)	St Oswald's (expansion)	Fulford	Within 1.5km
Amount	11 places £235,455	13 places £383,097	15 places £256,860

Sustainable travel

£48,000 to be committed towards implementation of the travel plan. To include a budget of £24,000 towards car club membership and drive time for first occupants.

Off-site-Sports

£70,077 towards facilities within a 15-minute walk of the site.

Healthcare

To fund expansions to capacity at either Park View or Tang Hall Lane surgery or an alternative specified facility within a 1.5km distance of the site) - £112,826.

Retreat Gardens

A scheme to provide for limited public access to the grounds and provision for ongoing maintenance of the grounds.

Monitoring Fee

£7,800.

8.0 CONDITIONS:

1 DEVELOPMENT START WITHIN THREE YEARS

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 APPROVED PLANS

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

Site plan - 129-00-1010-E
Landscape masterplan - 939-29 G
Phasing Plan - 129-00-1017-E
Demolition plan (northern area) - 129 00 1005 - B

Parking strategy - 129-00-1021-F and 1024-A
Covered parking - 129-00-1022-B
Boundary treatments - 129-00-1020-F
Proposed Refuse Plan - 129-00-1011-E
Proposed Cycle Storage - 129-00-1014-E

Proposed External Lighting Layout - HRE-BWB-XX-XX-DR-E-2300-S2-P2
Proposed External Lighting Lux Plot Layout - HRE-BWB-XX-XX-DR-E-2301-S2-P2

Proposed Electric Charging - 129-00-1016-E

Proposed House Type Plan - 129-00-1018-E
Proposed Gates North Area - 129-00-1019-E

Proposed Main Block and Wings Basement & Lower Ground Floor -129-01-1011-C
Proposed Main Block and Wings Ground Floor - 129-01-1012-A
Proposed Main Block and Wings First Floor - 129-01-1013-B
Proposed Main Block and Wings Second Floor - 129-01-1014-B
Proposed Main Block and Wings Roof - 129-01-1015-B
Proposed Main Block South West Wing - 129-01-1016-C
Proposed Main Block North West Wing - 129-01-1017-B
Proposed Main Block Central Wing - 129-01-1018-B
Proposed Main Block Recreation Hall - 129-01-1019-B
Proposed Main Block South East Wing - 129-01-1020-B
Proposed Main Block Boiler House -129-01-1021-D
Proposed Main Block Nurses Hostel -129-01-1022-B
Proposed Main Block Gentlemens Lodge - 129-01-1023-C
Proposed Main Block West Villa 129-01-1024-C
Proposed Main Block South West Wings Elevations Sheet 1 of 2 - 129-01-1151-B
Proposed Main Block South West Wings Elevations Sheet 2 of 2 - 129-01-1152-B
Proposed Main Block North West Wing Elevations - 129-01-1153-B
Proposed Main Block Central Wing Elevations - 129-01-1154-B
Proposed Main Block Recreational Hall Elevations - 129-01-1155-B
Proposed Main Block South East Wing Elevations - 129-01-1156-B

Proposed Main Block Boiler House Elevations - 129-01-1157-C
Proposed Main Block Nurses Hostel Elevations - 129-01-1158-B
Proposed Main Block Gentlemen's Lodge Elevations Sheet 1 of 2 - 129-01-1159-B
Proposed Main Block Gentlemen's Lodge Elevations Sheet 1 of 2 - 129-01-1160-B
Proposed Main Block West Villa Elevations - 129-01-1161-C

Gatehouse Lodge Plans and Elevations - 129-07-1101-B

Spring Lodge Demolition Plans and Elevations - 129-02-1002-A
Spring Lodge Plans and Elevations - 129-02-1003-B
Garrow Hill House Demolition Plans - 129-03-1002-B
Garrow Hill House Plans and Elevations - 129-03-1003-C
East Villa Demolition Plans and Elevations - 129-05-1002-A
Proposed East Villa Plans and Elevations - 129-05-1003-A
Proposed Garrow Hill, Boiler House, Plans and Elevations - 129-09-1002-B

Home Farm, West Farm Range, Plans and Elevations - 129-06-1101-B
Home Farm, Coach House, Plans and Elevations - 129-06-1102-B
Home Farm, Farm Yard, Plans and Elevations - 129-06-1103-B

New build house types

House type 1 - 129-10-1101-C and 1102-C
House type 3 - 129-12-1101-B
House type 4 - 129-13-1101-B
House type 5 - 129-14-1101-B
House type 6 - 129-15-1101-B

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

3 LC1 LAND CONTAMINATION - SITE INVESTIGATION

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4 LAND CONTAMINATION - REMEDIATION STRATEGY

Prior to development of the relevant phase, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 LAND CONTAMINATION - REMEDIATION

Prior to first occupation or use of the relevant phase, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

6 LC4 LAND CONTAMINATION - UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 NOISE7 RESTRICTED HOURS OF CONSTRUCTION

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

8 HWAY31 NO MUD ON HIGHWAY DURING CONSTRUCTION

Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

9 ARCHAEOLOGY - WRITTEN SCHEME OF INVESTIGATION

No groundworks shall take place in the Garrow Hill / Garrow Bank area (new build houses to the east of Heslington Road / south of Thief Lane) until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists and shall comprise evaluation to the north-east of Garrow House, and strip, map and record to the south-east of Garrow House.

a) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation. Provision to be made for analysis, dissemination of results and archive deposition. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

b) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion (or such other period as may be agreed in writing with the Local Planning Authority).

c) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI (there shall be presumption in favour of preservation in-situ wherever feasible) prior to construction of development on land to the north-east of Garrow Hill House.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

10 ARCHAEOLOGY - WATCHING BRIEF

No groundworks shall commence on site until the applicant has secured the implementation of a written scheme of investigation (WSI) comprising a watching brief on all ground works by an approved archaeological unit and provision to be made for analysis, dissemination of results and archive deposition. The WSI and the archaeological unit shall be approved in writing by the Local Planning Authority before groundworks commence and development shall be carried out in accordance with the approved details. A copy of a report on all archaeological works shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in accordance with Section 16 of NPPF. Details are required prior to commencement as the site is considered an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

11 BATS

All required construction works to Building 1, Building 13, and Building 15 (as stated in Appendix II, e3p Nocturnal Bat Survey Report, October 2022) shall not under any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) Confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure bats are protected from harm during the proposed works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

12 LANDSCAPE MANAGEMENT

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

A LEMP covering the construction phase of works shall be submitted for approval prior to the commencement of the development.

A LEMP covering the long-term implementation of the plan shall be submitted for approval prior to first occupation of the development hereby permitted.

The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

13 ECOLOGY IMPACTS

Should ecology survey data exceed two years prior to commencement of works to any buildings within the scheme, up-to-date information shall be submitted regarding the relevant building to ensure ecology is afforded appropriate mitigations and enhancements. This should include a Preliminary Ecological Appraisal and any further necessary habitat or species surveys as recommended by the appraisal.

Reason: To ensure the protected of notable and protected species, including those protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

14 LARGE SCALE DETAILS

Prior to commencement of construction of the relevant phase the following large-scale details (to include section drawings) and manufacturers details of the external materials shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

- Main building - roof terraces, balconies and external railings.
- West Villa, Boiler house, Gentlemen's lodge - large scale details and typical sections of new build. Roof terraces, balconies and external railings.
- Garrow hill house - large scale details (elevations and sections) of new external doors and windows and balcony to east elevation.
- Farm range area - notwithstanding the approved plans full details are required of the boundary treatment (metal/iron railings) and cycle stores to the west farm range buildings.
- Farm Yard (new build) - typical details and sections at 1:10 or 1:20

Reason: In the interests of the significance of the listed buildings and associated gardens.

15 NEW BUILD HOUSES

Prior to construction of the new build housing typical large-scale details (to include section drawings) and manufacturers details of the external brickwork, timber cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

A sample panel of the brickwork to be used on the new build houses shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

16 WINDOW SCHEDULE

Prior to first occupation of the relevant phase of development a detailed scheme for the restoration of external windows on the listed building(s) within that phase shall be submitted to the local planning authority for approval and the works shall be carried out in full in accordance with the approved details.

The scheme shall include a full window schedule of existing windows (supplemented by photos) and a justified method statement detailing repair, replacement or the installation of secondary glazing, if applicable. Full details of the proposed works shall be included.

Reason: In the interests of the significance of the building and to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

17 AUDIT OF INTERNAL SPACES

Prior to works within the retreat main block and its attached buildings (apart from any demolition in accordance with the approved demolition plan) and the coach house and mortuary building, a room schedule of each room, highlighting the internal fabric of significance (supplemented with photos) and a strategy for their repair and retention shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the significance of the building and to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

18 MAKING GOOD FOLLOWING DEMOLITION WORKS

Prior to first occupation of the relevant phase of development a detailed scheme for the restoration of areas of the listed building affected by the approved demolition works shall be submitted to the local planning authority for approval and the works carried out in full in accordance with the approved details.

Reason: In the interests of the significance of the building and to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

19 CARBON REDUCTION NEW BUILD

The new build dwellings shall each achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

The fabric energy efficiency of each dwelling shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

The Target Emission Rate (TER) for the new dwellings shall be calculated using the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate that an overall reduction in carbon emissions of at least 31% above Part L of the Building Regulations 2013 is achieved. If a reduction of 75% cannot be achieved, a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable, and shall be approved in writing by the Local Planning Authority prior to construction.

Reason: In accordance with policy CC2 of the draft Local Plan.

20 DEMOLITION

The buildings shown to be demolished on approved drawing - Demolition Plan (northern area) 129 00 1005 - B shall be demolished, and areas made good, in accordance with the approved phasing plan prior to first occupation of the relevant phase.

Reason: To secure the benefits of the scheme in respect of designated heritage assets, required to enable the scheme to be compliant with the presumption in favour of sustainable development as set out in NPPF paragraph 11.

21 LANDSCAPING

The landscaping for the site shall be installed in accordance with the approved phasing plan and shall be in full accordance with the landscape masterplan - drawing 939-29 G.

Reason: in the interests of the significance of the listed buildings, amenity of future occupants and promoting healthy and safe communities in accordance with NPPF sections 16, 12 and 8.

22 ON-SITE AMENITIES

The amenities on-site (the recreation hall, gardens, sports facilities) shall be operated in accordance with the Continued Quacker Legacy document dated February 2024. This includes for volunteer access to the allotments and access to the burial ground.

Reason: in the interests of the significance of the listed buildings, amenity of future occupants and promoting healthy and safe communities in accordance with NPPF sections 16, 12 and 8.

23 CAR PARKING

Car parking for vehicles within the site shall at all times include at least the following provision -

Visitor parking - at least 30 spaces.

Disabled spaces - at least 5 spaces.

Car club - at least 1 space.

Reason: in accordance with sustainable travel advice contained in NPPF paragraph 116.

24 CYCLE PARKING

The dwellings hereby approved shall not be occupied until the associated covered and secure cycle storage facilities have been fully provided in accordance with the approved plan; cycle store location proposed north area 129-00-1014-E, and thereafter such areas shall be retained solely for such purposes. The visitor spaces shall be Sheffield type stands and shall be provided prior to first occupation or use of the main building (including the central block, both wings and the recreational hall, as annotated on the aforementioned plan).

Reason: In accordance with NPPF section 9. Promoting sustainable transport.

25 TRAVEL PLAN

The development hereby permitted shall be carried out in accordance with the Travel Plan job number VN222224 rev 4 issue 20.6.2024.

The required travel survey annual review report(s) and associated targets for modes

of travel shall be prepared, submitted to, and approved in writing by the Local Planning Authority to meet the timescales detailed in the plan (annually). The reports shall include a review of the modal split targets and establish further measures to be taken should progress not be made on achieving these targets. The travel plan shall be operated thereafter in accordance with the approved details.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

26 OFF-SITE HIGHWAY WORKS

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Works to Heslington Road as shown on SLR drawing VN222224/100B

- The widening of the pedestrian refuge on Heslington Road to 2 metres, and associated works.
- Tactile paving across the main site access.
- The raising of a section of the internal carriageway to ensure this is flush with the footway, thereby allowing safe access for all users. Tactile paving to assist visually impaired.
- The introduction of a full height kerb edge and new section of footway to prevent vehicle access to Spring Lodge from Old Heslington Road.

Bus stops

- The provision of real time service information at the existing westbound bus stop on Heslington Road closest to the site.
- The provision of a new bus shelter, with seating and real time service information, at the existing eastbound bus stop on Thief Lane closest to the site.

University Road

- Redundant dropped kerb and access to be made good, footway to match existing levels and boundary wall to be continued to reasonably match existing.

Reason: In the interests of the safe and free passage of highway users.

27 INTERNAL LAYOUT

No part of the relevant phase of the site shall come into use until the turning areas, carriageways and footways have been provided in accordance with the approved

plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

28 GATES

No gate shall be fitted so as to open outwards over the adjacent public highway. All gates as shown on the approved site plan which are positioned on internal roads and footpaths shall be automated.

Reason: To prevent obstruction to other highway users and to address the needs of those with reduced mobility in accordance with NPPF paragraphs 114 and 116.

29 NOISE

The new build houses hereby permitted shall incorporate the noise mitigation measures (acoustic barriers, ventilation, and glazing) as specified in the noise assessment by e3p ref 50-538-R1-2 dated October 2022.

Reason: In the interests of residential amenity, in accordance with the requirements of NPPF sections 12 and 15.

30 DRAINAGE

The development shall be carried out in accordance with the Proposed Drainage Strategy - Eastern Parcel - Re: HRE-BWB-ZZ-XX-DR-CD-0500 Revision P3 dated 24th May 2022.

Reason: To reduce flood risk in accordance with draft Local Plan policy ENV5 and NPPF paragraph 175

9.0 INFORMATIVES:

Notes to Applicant

1. 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 (paragraph 38) 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: through the use of a planning performance agreement and negotiations to secure appropriate revised plans.

2. PV Panels

The developer is reminded that listed building consent will be required for any PV further to that shown on the approved roof plans for any listed buildings.

3. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323