

Planning History

1.6 18/00383/FUL & 18/00384/LBC Single storey extension to form visitors centre with associated facilities and tool store; Application withdrawn

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN 2008

D5 Listed Buildings
D8 Historic Parks and Gardens

2.2 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

HE4 Listed Buildings
HE12 Historic Parks and Gardens

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation)

3.1 The gate design, between the extended volunteer's centre and the Cemetery Lodge have been clarified. It is not considered that the listed Cemetery Lodge would be harmed (either through impact of fabric or its setting) as a result of the addition of the proposed gates.

Historic England

3.2 No objections on heritage grounds.

York Civic Trust

3.3 The Civic Trust supports the application.

The Garden History Society (Yorkshire Gardens Trust)

3.4 Yorkshire Gardens Trust is a member organisation of the Gardens Trust and works in partnership with it in respect of the protection and conservation of registered sites, and is organised by the Gardens Trust to respond on the Gardens Trust's behalf in respect of such consultations.

3.5 In principle, the new building seems of a scale which will not impose too much on the adjacent listed Lodge. However concerns are raised that when viewed from within the cemetery and the proposed gates into the service yard are shut, the whole composition would appear as a linked group and result in substantial massing, detracting from the historic integrity of the cemetery. The setting to the adjacent

Lodge does not appear to have been fully considered are required by the NPPF (para 190).

Conservation Area Advisory Panel

3.6 An improvement on the previously submitted scheme.

Publicity

3.7 The application has been advertised via site and press notice. No letters of representation have been received.

4.0 APPRAISAL

4.1 Key Issues

- Impact on special architectural and historic importance of the adjacent Cemetery Lodge (Grade II listed).

LEGISLATIVE BACKGROUND

4.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 In the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, Section 72 of 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 and appearance of that area

National Planning Policy Framework (2018)

4.4 The revised National Planning Policy Framework (NPPF) (2018) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

Heritage

4.5 Section 16 of the NPPF considers the conservation and enhancement of the historic environment. Paragraph 190 of the NPPF requires local planning authorities to 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. Paragraph 193 requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; 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.

Publication Draft Local Plan 2018

4.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

ASSESSMENT

HERITAGE- IMPACT ON THE GRADE II LISTED CEMETERY LODGE

4.8 Whilst York Cemetery is on the ' Register of Historic Parks and Gardens of special historic interest in England', there is no separate consent system for them. Any proposed development affecting these sites or their settings is a 'material consideration' and their significance taken into account in the planning regime.

4.9 The proposed gates situated between the northern (side) elevation of the proposed volunteers centre (as extended), and the Cemetery Lodge, requires listed building consent.

4.10 The application initially proposed solid timber gates between the front corner of the existing building and the Lodge. Following negotiation, this has been replaced with gates of a traditional rail design set back from the facade of the existing building. There are no proposed extensions to the northern elevation or re-siting of the existing tool store and toilet building and therefore the distance and spatial relationship between the existing building and Lodge would be maintained as existing. The

amendments are considered to better preserve visual permeability between the two buildings, respecting their separate architectural identities. Further details shall be required via condition to assess the method of fixing of the gates to the Lodge.

There have been some negotiation and discussion in respect to the size, scale and impact of the extensions and alterations to the existing 'potting shed'. On balance, it is considered that the extensions and alterations would result in a building of cohesive form, scale and character that would continue to constitute a subordinate building to the larger two-storey and more architecturally and historically significant Cemetery Lodge. Consequently, it is not considered that that setting of the Lodge would be harmed as a result of the current proposals.

5.0 CONCLUSION

5.1 York Cemetery is a Grade II* listed Historic Park and Garden and contains a number of individually listed buildings, most notably the Lodge (Grade II). 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.

5.2 It is considered that the installation of the gates between the Lodge and the existing 'potting shed' would not harm the Cemetery Lodge, in terms of impact upon fabric, subject to further details provided by condition nor would it harm its setting..

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

3290/100.1E Plan + Site - As Proposed

3290/100.2E Elevations - As Proposed

3290/100.3C Plan as Proposed

3290/100.4C Plan as Proposed

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

3 Large scale details of the gates (between the northern side elevation of the potting shed and the Lodge) including details of the method of fixing to the Listed Cemetery Lodge (Gatehouse) shall be submitted to and approved in writing by the

Local Planning Authority prior to the installation of these fixtures and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the development protects the special architectural or historic interest of this listed building and to comply with paragraph 132 of the National Planning Policy Framework (NPPF) (July 2018).

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