

COMMITTEE REPORT

Date: 18 April 2013 **Ward:** Guildhall
Parish: Guildhall Planning Panel

Reference: 13/00210/FUL
Application at: Proposed Dwelling Adjacent The Lodge Minster Yard York
For: Conversion and extension of existing potting shed and basement cellar and generator housing into a 2no. bedroom residential dwelling.
By: Mr Mike Green
Application Type: Full Application
Target Date: 3 April 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application site is within the grounds of the Purey Cust site, where the main building has recently been converted for residential use. The forecourt has been re-landscaped to provide each dwelling with car parking and a small front garden. The new layout retains a margin of shrubs and trees next to the mason's lodge (which sits next to the main entrance). The walls which surround the site enclose what was the former Minster stone yard before it moved to Minster Yard, and are listed at grade 2.

1.2 The site is within the Central Historic Core Conservation Area adjacent to the West front of the Minster (grade 1 listed) and alongside Dean's Park. The site is within the York Minster Cathedral Precinct which has scheduled monument status. Scheduled Monument Consent is required from English Heritage for the proposed development.

PROPOSALS

1.3 A 2-bed dwelling is proposed, which would re-use the redundant basement on the eastern side of the site and the 'potting shed' which sits against the SE boundary wall and next to the Mason's Lodge. The original cellar dates from around 1616 and was extended to include a generator enclosure which was installed in the early C20 to serve the hospital. It is proposed that two bedrooms would be accommodated in the cellar and an extension would be added directly above to provide living space. The new structure would be connected to the potting shed by a lightweight link (glass with timber framing) on the north side and there would be a zinc roof, which would be visually separated from the potting shed by the use of clerestory windows.

1.4 This application and the companion listed building consent application are brought to committee at the request of Cllr B Watson, in order to assess the impact on the setting.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Building: Grade 2; Dean's Lodge Walls and Gateways Dean's Park

Scheduled Ancient Monuments: SMR 13280 York Minster Precinct including Section of City Walls

2.2 Policies:

CYGP1 Design

CYHE2 Development in historic locations

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

COMMUNITIES, CULTURE AND PUBLIC REALM

3.1 Commuted sums should be paid to the Council for the new dwelling for amenity open space and play space which would be used to improve a local site such as Clarence Gardens and sports pitches, which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 To an extent the scheme would detract from the setting of the listed building(s) and the character and appearance of the conservation area. Whilst this is an interesting and imaginative proposal in its own right with the potential for some creative detailing, the scheme would appear to be harmful to the site mainly by what it would take away from the existing context and setting - clarity and simplicity of form and space, openness and landscape, privacy and amenity.

- The C20th footprint of the site has a clear form. Structures - walls and buildings - hug the perimeter of the site allowing the centre to be open. The new structure would be an overly fussy and bulky intrusion into the space. Its general character and use of materials would be alien to the site. Although the scheme is imaginative and cleverly detailed in its own right it does not appear to belong to this particular location where there is a limited palette of traditional materials used in well ordered combination, and where buildings have a smaller proportion of

window openings to solid walls which helps to preserve the secluded character of the enclave.

- Further information should be provided to show how the new and existing roofs intersect.
- The above ground footprint would extend south to cover the larger plan of the underground chamber. This would likely cause the loss of a mature Birch tree which is highly visible from Dean's Park (although the tree is shown as retained on the proposed plans). The tree contributes to the character and appearance of the area and it helps enhance the setting of the buildings.

ARCHAEOLOGY

3.3 The development will involve the excavation down to a depth of approximately 1.2m below the current basement floor. This excavation will have a serious impact on the underlying, probably Roman, deposits.

3.4 This impact will be acceptable provided there is an archaeological excavation of all deposits down to the proposed formation level for the new floor. There will also need to be associated enabling engineering works to allow this excavation to take place and an archaeological watching brief on all other groundworks. Officers recommend the standard conditions which require a watching brief on groundworks and an excavation with the findings published. In addition a condition is recommended so that officers agree the enabling works that will be required to allow the basement to be lowered.

ENGLISH HERITAGE

3.5 Consider that the proposals should be approved, subject to a condition which requires archaeological mitigation, as there will be further excavation below the existing basement. English Heritage advise that a Scheduled Monument Consent application is currently under consideration, which has officer support.

GUILDHALL PLANNING PANEL

3.6 Object - proposals do not meet the pre-application advice given by the Local Planning Authority.

PUBLICITY

3.7 No written representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on heritage assets

- Amenity of existing and future occupants
- Species protected by law / biodiversity

IMPACT ON HERITAGE ASSETS

4.2 The Purey Cust building, the site boundary walls and the structures connected are grade 2 listed. The site is in the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and the Minster Precinct, which has Scheduled Monument status.

4.3 The National Planning Policy Framework requires that proposals conserve or enhance heritage assets. In considering development proposals it is desirable they sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation. It is also desirable that developments make a positive contribution to local character and distinctiveness.

4.4 Local Plan policy GP1 relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.5 Local Plan policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. Policies HE3, HE4 and HE9 require that developments at least maintain the appearance and setting of conservation areas, listed buildings and scheduled monuments.

4.6 Local Plan policy HE10 requires that where development will affect archaeology a field evaluation is undertaken and that at least 95% of archaeological remains are either preserved during development or appropriately recorded.

4.7 The existing site configuration predominantly dates from C19 when the Purey Cust building, the east boundary wall (both 1845), the lodge building and the potting shed were added. The Purey Cust was extended and converted into a hospital in the early C20. Prior to this arrangement Ingram's Palace, constructed in 1616, occupied this area of the precinct. Part of the basement where the dwelling is proposed was thought to date from 1616. However the Archaeological Trust report undertaken suggests part of the basement may originate from the earlier, medieval Archbishop's Palace. The remainder of the basement was added in the early C20.

4.8 The proposed dwelling would extend above the footprint of the cellar and appear as single storey. The eaves height would be aligned with that on the 'potting shed' and the structure would remain under the boundary wall. The elevations would be predominantly in stone, with timber used for doors, window frames and solar shading. The roof would be zinc. Predominantly the roof would be flat, apart from where it would over-sail the potting shed. The materials have been chosen in an attempt to respect the setting. The potting shed has vertical timber cladding and the boundary wall is of stone. Although zinc would appear in contrast to the pantile roof on the potting shed, it has been chosen as it allows for a lightweight and contemporary form. It is also the roofing material used on the Minster.

4.9 The structure would be of contemporary design, using sympathetic materials which respect the setting, and as such would comply with one of the design principles of the NPPF; that developments respond to local character and history, and reflect the identity of local surroundings and materials, and that planning decisions should not prevent or discourage appropriate innovation.

4.10 The existing buildings on this side of the site - the lodge and the potting shed - sit against the boundary wall and there is a garden setting which provides openness. The proposed additional development above ground would reduce this openness, which officers raised concern over at pre-application stage. The site layout has been revised to address this concern, and to avoid the proposed building appearing overly imposing on its setting. The nearest car parking space to the building will be re-positioned, which will enable a reasonable amount of soft landscaping around the proposed dwelling. The proposals are that the prominent Birch tree next to the basement area is retained. Overall, there will be adequate landscaping to help reduce the prominence of the proposed building and as such there would not be undue harm to the setting.

ARCHAEOLOGY

4.11 The proposals involve lowering the basement floor in order to provide adequate floor to ceiling heights in the building, whilst providing a roof height that would not affect views of the Minster over the site boundary wall. It is likely archaeology of Roman date will survive beneath the existing floor structure. English Heritage support the scheme, considering the impact on archaeology. In accordance with Local Plan policy HE10, conditions are necessary that an appropriate scheme of investigation be undertaken. The archaeological work will bring public benefits as it will help explain the history of the basement.

AMENITY OF EXISTING AND FUTURE OCCUPANTS

4.12 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals

ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 Local Plan policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards the Local Plan.

4.14 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers.

4.15 The proposed building would appear single storey and be at least 20m from the Purey Cust buildings. The Lodge building is orientated so it would not look towards the proposed house. As such there would not be an adverse impact on the amenity of the occupants of the other buildings on site.

4.16 The proposed dwelling would have adequate internal space and outlook. There would be internal space for storage, including for cycles. In accordance with policy L1c a contribution has been agreed towards open space, which would be secured through a unilateral undertaking.

SPECIES PROTECTED BY LAW / BIODIVERSITY

4.17 Policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 asks that where possible, developments include measures to enhance or supplement existing habitats and habitat creation is encouraged.

4.18 The existing buildings have been investigated and no evidence of bat roosts found. In accordance with policy a condition is recommended to provide additional facilities to encourage bat roosts within the site.

5.0 CONCLUSION

5.1 Approval is recommended. The proposed development makes use of the redundant basement area. The design is specific to the site, imaginative and contemporary. It is of the necessary high quality that is required in this historic setting and will contribute to the areas' character and distinctiveness, as required by the National Planning Policy Framework. Although the building will reduce openness within the site, the reconfiguration of the layout will mean there is a reasonable amount of space around it for vegetation, which will help integrate the building into its setting. Overall the impact on the setting would be acceptable.

5.2 There will be adequate levels of amenity and no undue adverse impact on heritage assets. There will be a unilateral undertaking to deliver the required contribution towards open space - £1,172. Conditions will require that no extensions/alterations can be carried out under permitted development (as this could harm the setting and the appearance of the host building) and that bat roost facilities are provided on site. The companion listed building consent includes conditions regarding materials and large scale detailing.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: **Approve subject to Section 106 Agreement**

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:- drawings 011208

Location plan	100 P2
Proposed site plan	104 revision P3
Floor and roof plans	201, 202 P1
Proposed elevations	203, 204, 205 P1
Proposed sections	302 P1

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

3 LANDSCAPING

Prior to completion of the development hereby approved a detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority which shall include the number, species, height and position of trees and shrubs to be planted. A suitable replacement tree shall be planted, to compensate for the Cherry tree which is shown as being removed on the proposed plans.

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to allow the development to respect the setting.

4 TREE PROTECTION

Trees shown as being retained on the approved site plan shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include -

- location and type of tree protection fencing;
- parking and servicing arrangements for vehicles;
- locations for storage of materials;
- locations of utilities;
- details of existing and proposed levels and surfaces.

The protective tree fencing shall be retained at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area.

5 PROTECTED SPECIES - BATS

Prior to completion of the development details of measures to provide facilities for bats shall be approved by the Local Planning Authority and installed in accordance with the approved details. Details shall include provision to be made within the re-development of the site to replace the features lost through demolition and conversion work. Features suitable include the use of special tiles, bricks, and bat boxes.

Reason: To take account of and enhance habitat for a protected species, in accordance with policies NE6 and NE7 of the Draft Local Plan.

6 ARCH1 Archaeological programme required

7 ARCH2 Watching brief required

8 No development shall commence until the applicant has submitted written and drawn details of the necessary enabling engineering works required to allow the archaeological excavation within the basement to take place and these details have been approved in writing by the local planning authority. The development shall occur in accordance with the approved details.

Reason: The development will destroy nationally important archaeological remains that must be recorded prior to development taking place.

9 Removal of permitted development rights – all in schedule 2 part 1

7.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

3. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, amenity and protected species. As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE10, H4a and L1c of the City of York Development Control Local Plan.

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