

COMMITTEE REPORT

Date: 5 July 2018 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 18/00082/GRG3
Application at: Burton Stone Community Centre Evelyn Crescent York YO30 6DR
For: Extension of existing extra care facility to provide 29no. apartments and 4no. bungalows with associated communal facilities and provision of new multi-use community facility following demolition of existing community centre
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 9 July 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Burton Stone Community Centre comprises part of the site of the former Burton Stone Secondary Modern School which was closed in the mid 1980s. The site was redeveloped as Marjorie Waite Court, a three storey brick complex providing extra care housing for the elderly with the retained buildings of the School remaining as the Community Centre. These comprise a large brick built gymnasium building dating to the 1930s centrally placed within the site together with a brick and curtain wall clad former teaching block at the north eastern edge with a section of former hard play area directly to the east. Surrounding the site is a development of Local Authority Housing dating to the immediate Post War period.

1.2 Planning permission is sought for the construction of a substantial extension to Marjorie Waite Court providing further extra care housing incorporating 29 one bed room apartments and four bungalows, for the elderly of the most up to date design, two single storey brick built bungalows providing further care accommodation. The proposal has been amended since submission to address design concerns in relation to the original scheme specifically in relation to the landscaping of the site frontage.

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies:-

D1 Placemaking

D7 Non Designated Heritage Assets

ENV5 Sustainable Drainage

2.2 York Development Control Local Plan (2005) Policies:

CYC1

Criteria for community facilities

CYGP1

Design

3.0 CONSULTATIONS

INTERNAL:-

Public Protection:-

3.1 Raise no objection to the proposal but wish to see any permission conditioned to require appropriate levels of noise insulation, appropriate measures to control noisy plant and cooking odours together with restrictions on the operating hours of the proposed community facility.

Highway Network Management:-

3.2 Express concerns in respect of the detailed layout of the site. The design has subsequently been amended to address the concerns raised in terms, of pedestrian access, vehicle and cycle parking

Strategic Flood Risk Management:-

3.3 Raise no objection to the scheme as revised.

Design, Conservation and Sustainable Development (Design):-

3.4 Express concerns in terms of the justification for the loss of the 1930's gymnasium building together with the design and layout of the scheme. Further comments will be reported orally at the meeting.

Design, Conservation and Sustainable Development (Landscape):-

3.5 Raise no objection to the proposal subject to the satisfactory resolution of a detailed planting regime.

Design, Conservation and Sustainable Development (Ecology):-

3.6 Raise concerns in respect of the potential for the gymnasium building to house a bat roost. Further comments will reported orally at the meeting.

Public Health (Sport and Active Leisure):-

3.7 Express some concerns in respect of the design and layout of the proposal and the availability of an appropriate area and quality of amenity space.

EXTERNAL:-

Clifton Planning Panel:-

3.8 Raise no objection in principle to the proposal but express some concern in respect of the loss of the existing community facility.

Yorkshire Water Services Limited:-

3.9 Raise no objection to the scheme as revised.

The Foss (2008) Internal Drainage Board:-

3.10 Raise no objection to the proposal.

Sport England:-

3.11 Raise no objection to the proposal.

North Yorkshire Police Designing Out Crime Officer:-

3.12 Raise no objection to the proposal.

York Civic Trust:-

3.13 Object to the proposal on the grounds that the proposal would result in the loss of the gymnasium building which was constructed at the start of World War II and is felt to represent the work of local architects Campbell and Penty in the Art Deco Style survivals of which are rare in York. It has further historical interest in terms of its evidential value as part of the wider efforts by the City in the 1930s to improve the environment for its less well off citizens and to develop a modern city with the development of the Kingsway North Estate. In a National context it is felt to be one of the few surviving buildings which show evidence of the work of the Women's League for Health and Fitness and the National Campaign set up by Neville Chamberlain in 1937 to address concerns about the fitness of the young following the 1936 Berlin Olympics. As such the building is felt to be a "non designated Heritage Asset" within the terms of paragraph 135 of the National Planning Policy Framework.

The 20th Century Society:

3.14 Object to the proposal on the grounds that the gymnasium building comprises an important example of a rare form of Art Deco architecture of the 1930s and as such is a Non Designated Heritage Asset in terms of the NPPF and insufficient evidence has been put forward to justify its removal.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Principle of the Development;
- Design of the Scheme;
- Loss of a Non Designated Heritage Asset;
- Impact upon the Local Surface Water Drainage Network;
- Affordable Housing;
- Impact upon the habitat of a protected species.

PLANNING POLICY:-

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management Decisions but any weight may be very limited except where in accordance with the National Planning Policy Framework.

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

PRINCIPLE OF THE DEVELOPMENT:-

4.4 The proposal seeks permission for the erection of 29 one bedroom apartments and four bungalows providing extra care accommodation for the elderly from the wider locality. It would form an extension to the existing extra care housing at Marjorie Waite Court to the south but would involve the loss of the existing Burton Stone Community Centre which occupies the retained buildings of the former Burton

Stone School for Girls. At the same time the proposal envisages the provision of a Community Room for use by surrounding residents to compensate for the loss of the existing Community Centre. Residents would have their own front door and facilities within each unit but would have access to 24 hour on site care. The proposal is seen as necessary to form part of a package of measures to cope with sharply increased demand for supported accommodation for those over 75 years of age identified within the 2016 City of York Strategic Housing Market Assessment. At the same time the existing Community Centre Buildings are underutilised and in a poor state of structural repair which would be expensive to remedy.

DESIGN OF THE SCHEME:-

4.5 Central Government Planning Policy as outlined in Paragraph 61 of the National Planning Policy Framework indicates that planning decisions should address the links between people and places and seek the integration of new development into the historic, natural and built environment. At the same time Policy D1 of the (emerging) Publication Draft Local Plan, "Placemaking" seeks that new development should demonstrate the use of best practise in contemporary place making and urban design.

4.6 The application site comprises the partially re-developed site of the former Burton Stone Secondary Modern School. It incorporates a range of materials and forms with Marjorie Waite Court incorporating mid red brick with pitched tiled roofs whereas the surviving roof of the former School gymnasium is in a darker red brick with a low pitched roof. The scheme as submitted envisaged a mix of brick with curtain wall cladding with a uniform pattern of fenestration, a flat roof concealed behind a low parapet with a total building height to match the ridge height of the existing Marjorie Waite Court to the south west. This was felt to be highly monotonous and institutional in character, not reflective of the wider visual amenity of the street scene. The scheme as amended retains the overall flat roof form but introduces variety in the roof line and form as well variegation in the window pattern with individual windows having a cedar cladding details. More variety is at the same time introduced into the palette of materials with the use of a coloured render and cedar boarding replacing the use of a curtain wall cladding in addition to brick work. The scheme is broadly three storey but reducing to two storey at its northern edge where it comes close to Lady Mill Garth. It is some 23 metres to the nearest apartment within the main block Lady Mill Garth and 16 metres from the detached block within the car park. The elevation adjoining the boundary is however blank. The boundary with the remainder of Lady Mill Garth in the vicinity of the development largely comprises a substantial 1.8 metre high brick wall which would be retained as part of the proposal with a rear access leading into Lady Mill Garth to enable those resident within the detached portion of the site to the north to easily access the site..

RESIDENTIAL AMENITY:-

4.7 The area surrounding the application site comprises a mix of low rise brick built Local Authority Housing with a uniform palette of materials and pattern of scale and massing. A landscaped communal garden would be provided to the north east adjoining Lady Mill Garth. Separation distances with adjoining properties notably Lady Mill Garth would be acceptable in the context of the local pattern of development with the adjacent property having been designed to avoid direct overlooking of the site. The scheme has subsequently been further amended to reconfigure the car parking layout on the Crombie Avenue frontage of the site and to provide additional landscaping. It is felt that the proposal as amended would establish the character of the development whilst at the same time securing the visual amenity of the street scene thereby securing compliance with the requirements of paragraph 61 of the NPPF and Policy D1 of the Publication Draft Local Plan.

LOSS OF A NON DESIGNATED HERITAGE ASSET:-

4.8 Paragraph 135 of the National Planning Policy Framework indicates that in considering a planning application which affects a Non Designated Heritage Asset then the impact upon its significance must be given careful weight. In weighing applications that affect Non Designated Heritage Assets either directly or indirectly then a balanced judgement will be required in respect of any harm or loss to the significance of the asset. Policy D7 of the Publication Draft Local Plan is relevant in consideration of the current proposal. This indicates that the significance of Non Designated Heritage Assets should be considered against a range of criteria including historic or cultural significance and that development which remove or undermine the significance of a Non-Designated Heritage Asset where the benefits would clearly outweigh the harm having regard to the nature of the precise impact and the scale of the harm. Where the significance of a Non Designated Heritage Asset would be compromised or removed altogether then any permission should be conditioned to require detailed recording of the site.

4.9 The application site forms part of a former school partially developed in the late 1930s and completed in the immediate Post War years. A section of former hard play area, together with a two storey curtain wall clad teaching block dating to the early 1970s and a brick built gymnasium dating to the late 1930s survive from the earlier use. Concern has been expressed by objectors in respect of the proposed demolition of the gymnasium block. The building was constructed by the local architectural partnership Penty and Thompson between 1937 and 1939 and the wider site was the first purpose built Local Authority Elementary School and Youth Centre within York. It is further argued that the building shows rare stylistic references to the National Keep Fit Movement introduced by Neville Chamberlain in 1937 following on from the poor performance in the 1936 Olympics and the Women's League for Health and Beauty founded in 1930. As such the building is considered to be a Non Designated Heritage Asset in the locality.

4.10 The submitted Design and Access Statement indicates that the initial scheme intended to retain the gymnasium building to provide a focal point for the development within the local street scene with the proposed amenity garden laid out around it. However, subsequent survey work has indicated significant structural problems with regard to the building caused by long term water ingress with the cost of remedial work to retain the gymnasium as the proposed community building prohibitively expensive. The associated boiler facilities also fall significantly below Modern standards and contain quantities of asbestos which require remediation. The existing building also falls below the standards of access reasonably required in the and would require significant additional work to bring it up to the required standard. The boiler facilities are located in a basement area which requires continuous pumping to ensure that it does not become flooded. Furthermore new building would require a bespoke design in terms of its foundations to enable the boiler house to be retained beneath. The requirements of such a scheme would have clear implications for the delivery of the project with the loss of up to six apartments. The existing building furthermore has issues in terms of its sustainability with problems of excessive heat/loss and solar gain together with sub-standard ventilation which is difficult to resolve within the confines of the existing building. Several activities associated with the Community Centre also now take place in the adjacent building because of the deficiencies of the Gymnasium Building. It is therefore proposed to demolish the gymnasium and erect a new community building on the cleared site.

4.11 The 2016 Strategic Housing Market Assessment illustrates a substantial increase in demand for the type of accommodation to be provided by the proposal of the order of 45% over the current situation with suitable and deliverable sites not always being easily available. The wider context of the gymnasium building as part of the former school complex has also been compromised by the partial clearance of the remainder of the site in the 1930s. Whilst the significance of the building within the context of the History of the 1930s is understood it is felt that the substantial demand for extra care housing as identified by the SHMA and the clear difficulties with upgrading the building outweighs the harm caused by the loss of the Non Designated Heritage Assets within the context of paragraph 135 of the NPPF.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.12 Central Government Planning Policy as outlined in paragraph 103 of the NPPF indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not thereby increased elsewhere. At the same time Policies ENV4 and ENV5 of the (Emerging) Publication Draft Local Plan are also relevant in considering the proposal. Policy ENV4 indicates that new development shall not be subject to unacceptable flood risk and shall be designed in such a way that it mitigates against current and future flood events. Policy ENV5 indicates that on brown field sites surface water drainage flows should be attenuated to 70% of the existing levels with sufficient long term storage included to ensure that flows do not

exceed the attenuated rate taking account of the impact of 1 in 30 and 1 in 100 year storm events.

4.13 The application site comprises an existing hard surfaced area with some surface water drainage connections. Concern has been expressed by consultees in respect of the proposed surface water discharge rate of 27l/s and an alternative discharge rate has been put forward of 5l/s that would be more consistent with the existing situation and the prevailing circumstances in respect of other recent developments within the locality. A surface water discharge rate of 27l/s would be entirely unacceptable and may increase flood risk in the locality. It has been indicated by the sewerage undertaker that it would be possible to attenuate surface water flows to significantly less than that initially proposed. A drainage scheme incorporating attenuation to 12 l/s has subsequently been brought forward and subject to any planning permission being appropriately conditioned both the sewerage undertaker and the Strategic Flood Risk Engineer are prepared to accept such a rate given local circumstances. The drainage scheme is felt on balance therefore to be acceptable.

AFFORDABLE HOUSING:-

4.14 The 2016 SHMA which constitutes a significant element of the evidence base underpinning the Publication Draft Local Plan together with the current up to date records of Housing Services indicate a deficit of up to 200 extra care spaces over the City as whole. The proposal would be provided as a mix of Social Rent with 23 apartments and up to 10 apartments sold on a shared ownership basis. A letter has been put forward by the Director of Housing, Health and Adult Care indicating that the Authority's Policies in respect of affordable housing will be complied with in all respects.

IMPACT UPON THE HABITAT OF A PROTECTED SPECIES:-

4.15 Central Government Planning Policy as outlined in paragraph 118 of the NPPF indicates that planning permission should not be forthcoming for developments which would lead to material harm to local biodiversity. The 1930's gymnasium building provides a potential roosting habitat for bats. Detailed surveys have however been undertaken which clearly demonstrate that no bat roosting is taking place.

5.0 CONCLUSION

5.1 Burton Stone Community Centre comprises the densely developed site of the former Burton Stone Secondary Modern School which was closed in the mid 1980s. The site was redeveloped as Marjorie Waite Court, a three storey brick complex providing extra care housing for the elderly with the retained buildings of the School remaining as the Community Centre. These comprise a large brick built gymnasium building dating to the 1930s centrally placed within the site together with a brick and

curtain wall clad former teaching block at the north eastern edge .Planning permission is sought for the construction of a substantial extension to Marjorie Waite Court providing further extra care housing incorporating 29 one bed room apartments and four bungalows, for the elderly of the most up to date design, two single storey brick built bungalows providing further care accommodation. Concerns have previously been expressed in terms of the design and drainage layout of the scheme together with the loss of the existing gymnasium building. The design and drainage layout of the scheme has subsequently been amended and on balance are felt to be acceptable. At the same time a justification for removal of the gymnasium building outlining the substantial technical implications for the scheme of designing around the basement have been submitted. This is again felt on balance to be acceptable and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Ref:- 17007D(00)50 Rev D; 17007D(00)51 Rev B; 17007D(00)53 Rev B; 17007D(00)52A; 17007D(00)54A; 17007D(00)55A; 318-01-(DR)100-T03; 318-01-(DR)101-T03; 318-01-(DR)100-T04; 318-01-(DR)102-103.

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

3 VISQ4 Boundary details to be supplied

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

6 LAND1 IN New Landscape details

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

Before the commencement of development, including demolition, building operations, or 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 details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology;

type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to 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 are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

8 The development permitted by this planning permission shall only be carried out in accordance with the Drainage Plan by R Vint - Sheet 1 - Ref: 318/01 (DR) 100 Revision T04 dated 25th May 2018 and Sheet 2 - Ref: 318/01 (DR) 101 Revision T03 dated 8th May 2018 and the following measures detailed within the Drainage Plans:

- i). the site shall be developed with separate systems of drainage for foul and surface water on site.
- ii). surface water discharge rate shall be restricted to a maximum rate of 12 (twelve) litres per second.
- iii). the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

9 Construction in the relevant part (s) of the site shall not commence until the Local Planning Authority are satisfied that details of the future management and maintenance of the proposed drainage scheme have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied that proper management and maintenance of the proposed drainage scheme has been provided.

10 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works:

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

11 No development shall take place until a detailed scheme of noise insulation measures for protecting existing and proposed residential locations from external noise (including that generated from the community hall) has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of the community facility and all new residential accommodation on the care home site shall be constructed so as to achieve internal noise levels in habitable rooms (both on and off the site) of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

12 The community facility shall be only be open for use during the following hours:

08:00 to 23:00 hours every day including weekends and bank holidays

Reason: To protect the amenity of occupants of the care home and nearby properties

13 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

14 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

15 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

16 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

17 Prior to the development hereby approved coming into use, 3 (no)three pin 13 amp external electrical sockets which are also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the site using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the

site in accordance with paragraph 35 of the National Planning Policy Framework

18 HWAY18 Cycle parking details to be agreed

19 HWAY19 Car and cycle parking laid out

7.0 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 (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:

- i) Sought revisions to the surface water drainage layout;
- ii) Sought revisions to the design and layout of the overall scheme;
- iii) Sought a detailed justification for the removal of the 1930s gymnasium;
- iv) Sought submission of detailed bat surveys.

2. INF11 - Control of Pollution Act 1974

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