

# **COMMITTEE REPORT**

**Date:** 15 November 2023    **Ward:** Holgate  
**Team:** West Area                      **Parish:** Holgate Planning Panel  
**Reference:** 23/01129/LBC  
**Application at:** St Pauls Nursery School 12 St Pauls Square York YO24 4BD  
**For:** Internal and external alterations including erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.  
**By:** City Of York Council  
**Application Type:** Listed Building Consent  
**Target Date:** 17 November 2023  
**Recommendation:** Approve

## **1.0 PROPOSAL**

1.1 St Paul's Nursery, St Paul's Square comprises a Grade II Listed brick built terraced property dating to the early 19<sup>th</sup> Century set around a tree lined square to the west of the City Centre. Planning permission and a parallel planning application (ref: 23/01114/FUL) are sought for the demolition of an existing single storey block work extension and the erection of a replacement single storey annex with a series of internal alterations, a reconfigured access and the provision of a rear fire escape stair serving the kitchen and dining area. The new provision is designed to provide specialist accommodation for children with autism.

1.2 The proposal has been amended since submission to address Conservation concerns and also to clearly reference the proposed construction site compound.

## **2.0 POLICY CONTEXT**

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

- D4 Conservation Areas
- D5 Listed Buildings

## **3.0 CONSULTATIONS**

### **INTERNAL**

## Design Conservation Sustainable Development (Conservation)

3.1 Any comments will be reported verbally.

### **EXTERNAL**

#### Historic England

3.2 Make no comments in respect of the proposal, deferring to the Authority's Conservation Officer.

#### Holgate Planning Panel

3.3 No comments received.

#### National Amenity Bodies

3.4 No comments received.

#### York Civic Trust

3.5 Objected to the proposal prior to its amendment on the grounds that:

- That the internal alterations are uninspired and magnify the pre-existing harm from earlier alterations
- The ground floor works would result in a loss of legibility and result in a further loss of floor plan and historic fabric.
- The location of the extension would harm the legibility of the application site as the location of the former side garden and should be located to the rear of the site where the setting of the building has been effectively compromised. The play area can then be relocated to the site frontage.
- The fire escape extension and associated route across the rear extension roof would also harm the setting of the host building.

## **4.0 REPRESENTATIONS**

4.1 Seven letters of objection have been received raising the following issues below. A number of other issues have been raised which are not of relevance in consideration of the Listed Building Consent application, those are considered in the committee report for the planning application:

- Concern that the proposed extension should have a consistent design treatment.
- Objection to the contemporary design metaphor including the use of a glass balustrade and the removal of the internal dumb waiter.

## **5.0 APPRAISAL**

### **KEY CONSIDERATIONS:**

**5.1 Preserving the Listed Building or any Special Features of Historical or Architectural Interest it Possesses.**

### **NATIONAL PLANNING POLICY FRAMEWORK**

**5.2 NPPF** sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). 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 (paragraph 8).

### **LOCAL PLAN**

**5.3** The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

### **PRESERVING THE LISTED BUILDING OR ANY SPECIAL FEATURES OF HISTORICAL OR ARCHITECTURAL INTEREST IT POSSESSES**

**5.4** Section 16 a) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. This statutory duty must be given considerable importance and weight in determining the application for listed building consent.

**5.5** In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied, notably paragraphs 199 to 202. The NPPF classes listed buildings as "designated heritage assets". The NPPF advises on heritage assets as follows:

- Paragraph 199 advises that "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. The more important the asset, the

- greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 202 advises 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 securing its optimum use."

5.6 Policy D5 of the 2018 Draft Local Plan indicates that proposals affecting a Listed Building, or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting.

5.7 ASSET SIGNIFICANCE: The host property is a former double fronted villa constructed in the 1840s along with the remainder of the St Paul's Square development in a simple Neo-Classical style. The building along with its neighbours is Listed Grade II for group value.

5.8 THE PROPOSAL: The proposal envisages the demolition of the existing temporary block work extension dating to the late 1940s with a later extension and its replacement with Modern single storey brick and timber clad extension with a glazed link to the existing building with a standing seam profiled metal roof to the street elevation and a flat "green" roof allowing for an emergency escape area from the dining area in the main building to the rear. Within the main building two cupboard spaces would be converted into resource areas, an additional partition wall would be provided in the reception area and fire escapes would separately be provided to the kitchen and dining area to the rear. The existing porch would be demolished and a platform lift, a disabled access ramp and a pram and push chair store would be provided on the site. The new extension would be provided with a separate reception area.

5.9 ASSESSMENT OF IMPACT: The application site comprises a former Late Georgian villa of a standard form with its neighbours which was converted into an institutional use in the mid-20<sup>th</sup> Century. The proposed internal works comprise in respect of the first floor the provision of fire escape stairs from the pupil dining area across the rear flat section of roof serving the proposed extension with a separate fire escape stair from the kitchen into the rear play area. The kitchen fire escape would be inserted through the site of an existing window with the dining area staircase taken from a corner location adjacent to an existing chimney breast. Both fire escape doors would be glazed which would clearly identify their purpose and also clearly indicates that they are non-original insertions.

5.10 In terms of the proposed works on the ground floor include in respect of the front rooms the construction of a part solid timber screen, part sliding, folding acoustic screen inside the front door. A two-metre-wide doorway would be created into the rear teaching area. An existing Post War glazed wall and screen separating

the opposing teaching area to the left of the entrance hall would be removed and a new glazed screen running at 90 degrees to access the new extension would be inserted. To the rear the existing glazed door would be removed but the opening retained to enable access to the new extension. Existing former service rooms to the rear would be converted into resource rooms and an admin office. Where existing doors are removed, and openings forms substantial knobs would be retained at ceiling level to enable the historic legibility of the internal space to be maintained. Concern has been raised about the removal of a dumb waiter from the rear wall of the front room to enable the formation of an opening into the teaching space behind. This is however not an original feature of the building and appears to have been inserted during the period of use of the building as a nursery in the Post War period, albeit from its design having possibly been reused from elsewhere.

5.11 In terms of harms the proposals would further establish the institutional use of the property by opening up a greater degree of the interior space running laterally through the building. At the same time there would be a realignment of patterns of circulation with a glazed corridor taking movement directly into the new extension. The removal of the door to the rear teaching area to the southeast would have the effect of incorporating the space into a section of the extension. Other works to form resource areas would be more modest and cosmetic notwithstanding the loss of the dumb waiter with the fire escape works on the upper floor giving on to the less significant rear of the property whose character has already been substantially altered. The internal works are largely reversible and sufficient has been retained to secure the legibility of the historic plan form.

5.12 Considering paragraph 202 of the NPPF it is considered that the internal works would equate to less than substantial harm to the significance of the building towards the lower end of the scale. This creates a requirement to consider the public benefits of the work which must be balanced against the harms. The proposed works would secure the long-term use of the premises as a nursery taking account of its covenanting into the City's control for that purpose and more specifically the making of provision for nursery age pupils with Special Educational Needs who are not otherwise presently catered for in the public sector. It is felt that these benefits are significant and outweigh harm caused by the internal works.

5.13 A range of external works are proposed notably the removal of the existing monopitch porch dating from the 1960s and making good with a new timber front door to match the adjoining properties. A 1 in 20 paved ramp would be provided to the front door set within a brick retaining wall. A low-level pram, push chair and cycle store would also be provided on the site frontage with a fold away platform lift which can provide a handrail for access when not in use.

5.14 In terms of the rear of the site works involve the erection of a fire escape stair from the rear first floor kitchen with a plain colour coated metal balustrade with a timber infill panel beneath. The fire escape from the pupil dining area would be carried to the rear of the proposed extension on a flat section set within the

proposed green roof with a glass balustrade across the extension roof leading to a stair in the rear play area with a plain colour coated metal balustrade.

5.15 The proposal for the extension involves the demolition of the existing blockwork temporary building of the late 1940s and its replacement with a part brick and part timber clad structure set back a metre from the existing. It would have a composite roof with the street elevation pitched in a standing seam colour coated metal with the rear section a green sedum roof with fire escape route from the pupil dining area crossing through it. The street elevation would incorporate admin functions and sensory rooms and would be joined to the host building by a short section of glazed link to emphasise its separateness and subservience. To the rear it is proposed to provide two large teaching spaces with a folding screen giving on to the outdoor play area and a specialist 1 to 1 teaching area specialising in speech and language skills. A glazed roof timber framed canopy would be partially extended over the rear play area. The chosen walling material would be a brick to match that used in the existing building with areas of stained timber cladding.

5.16 The existing building with its use of asbestos and concrete cladding panels appears jarringly out of place up against the host Listed Building whose character it clearly detracts from. The demolition of the building would enhance the significance and setting of the host building.

5.17 In terms of harms concerns have been raised by objectors in respect of the development of the former side garden with a suggestion that it would be more appropriate to relocate the extension to the rear area with the play area brought to the site frontage. However, the proposed extension follows the alignment of the earlier extension albeit drawn back into the site approximately 1.5 metres. Development of the yard area would at the same time give rise to significant harm to the historic plan form of the site eroding its present largely domestic character. At the same time relocating the play area on to the site frontage would give rise to issues in terms of securing the privacy and security of pupils and would not secure the domestic character of the space with its institutional character appearing more rather than less prominent.

5.18 Concern has been expressed by objectors in respect of the impact of the proposed fire escape stair and escape route from the dining area into the rear yard. To provide a combined fire escape for both kitchen and dining area would envelope the rear of the property and result in a greater degree of harm to the character of the host building. The proposed fire escape to the kitchen area is simple and utilitarian in character and with a plain balustrade in colour coated metal would give rise to only modest harm. In order to achieve the required gradient, the fire escape from the dining area needs to partially cross the rear roof of the extension. This has a glass balustrade proposed. Such a material would not ordinarily be acceptable, but a colour coated steel balustrade would appear unduly harsh in that location and in terms of viewpoints it would be read primarily against the extension below and would give rise to only minimal harm to the host building.

5.19 Again it is felt that in the context of paragraph 202 of the NPPF that the proposed works would give rise to less than substantial harm towards the lower end of the scale , to the significance of the Listed Building. This creates a need to demonstrate a public benefit that would outweigh the harm caused by the development. The proposal makes up to date specialist provision for pupils with autism which is not otherwise available to pupils in the state sector. At the same time the proposed fire escape works ensure that the building is compliant in terms of fire safety for all prospective users. It is felt that when giving considerable importance and weight to the identified harm, sufficient public benefit has been demonstrated to comply with paragraph 202 of the Framework and that the harms caused by the development have been sufficiently outweighed. At the same time, it is felt that the requirements of Policy D5 of the Draft Local Plan would be complied with.

## **6.0 CONCLUSION**

6.1 The proposal envisages the replacement of the existing side extension with a purpose-built extension using a more modern idiom to provide purpose-built provision for pupils with autism. The design has been amended since submission to address Conservation concerns. At the same time, it is proposed to construct fire escape provision from the upper floor kitchen and pupil dining area into the rear play area to enable the site to comply with modern safety standards. It is felt that the proposal would give rise to less than substantial harm to the significance of the Listed Building but that that harm would be balanced by the public benefit of the provision of purpose-built provision for younger children with autism otherwise no available in the wider City together with the removal of the existing detractor building. Having special regard to the desirability of preserving listed buildings and their setting in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving considerable importance and weight to the identified harm, it is considered that the proposal would have an acceptable effect on this designated heritage asset. Approval is therefore recommended.

## **7.0 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: -

Drawing Refs: 230003.02A SITE BLOCK PLAN  
230003.04A SITE PLAN AS PROPOSED  
230003.07A PROPOSED GROUND FLOOR PLAN  
230003.08A PROPOSED FIRST FLOOR PLAN  
230003.10A PROPOSED ELEVATIONS  
230003.12A PROPOSED ROOF PLAN

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 A sample panel of the brickwork to be used on this building 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 beyond foundation level. 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: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- i) Section at 1:20 of the internal glazed screen linking the existing reception and the new extension.
- ii) Sections at 1:20 through the colour coated steel balustrade and glass balustrade for the rear fire escape provision.
- iii) Sections at 1:20 through the new internal openings on the ground floor demonstrating the retention of 1 metre nibs at ceiling level.
- iv) Sections at 1:20 through the canopy and rear glazed screen.

v) Sections at 1:20 through the window panels proposed for the street elevation.

Reason: So that the Local Planning Authority may be satisfied with these details.

**Contact details:**

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