



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
- Date:** Thursday, 21 January 2016
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart Memorial Gardens at 10am on Tuesday 19th January 2016

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 12)

To approve and sign the minutes of the meeting of the Planning Committee held on 10th December 2015.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 20th January 2016**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

Filming or Recording Meetings

“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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4. **Plans List**

This item invites Members to determine the following planning applications:

a) **Site Adjacent to Frog Hall Public House, Layerthorpe, York (14/00112/FULM)** (Pages 13 - 34)

A major full application for the erection of a five storey hotel (class C1) and a drive-through restaurant (class A3) at ground floor level, with associated parking, landscaping and access, and including extension to James Street/Heworth Green Link Road. [Heworth Ward].

- b) The Retreat, 107 Heslington Road, York, YO10 5BN (15/00419/FUL)**
(Pages 35 - 56)

A full application for the erection of a patient day-care centre and associated landscaping within a walled garden. [Fishergate Ward] *[Site Visit]*.

- c) The Retreat, 107 Heslington Road, York, YO10 5BN (15/00420/LBC)**
(Pages 57 - 64)

A listed building consent application for the erection of a patient day-care centre and associated landscaping within walled garden. [Fishergate Ward] *[Site Visit]*.

- d) The Retreat, 107 Heslington Road, York, YO10 5BN (15/00421/FUL)**
(Pages 65 - 84)

A full application for the erection of a patient accommodation block and day care centre with associated landscaping following the demolition of the existing student accommodation building. [Fishergate Ward] *[Site Visit]*.

- e) Land to the Rear of York Caravan Park, Stockton Lane, York (15/02071/FUL)** (Pages 85 - 98)

A full application for the erection of a 3 metre high earth bund with 7 metre wide base. [Heworth Without Ward] *[Site Visit]*.

- f) St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02440/FULM)** (Pages 99 - 124)

A major full application for the change of use of 29-31 Lawrence Street and 37 Lawrence Street to student residential accommodation with associated demolitions and alterations and part two/part three storey block to rear (with accommodation in roof) (use class C2). [Guildhall Ward] *[Site Visit]*.

- g) St Lawrence Working Men's Club, 29-33 Lawrence Street, York, YO10 3BP (15/02441/LBC)** (Pages 125 - 138)

A listed building consent application for alterations and partial demolition in connection with proposed use as student accommodation. [Guildhall Ward] *[Site Visit]*.

- 5. Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Laura Bootland

Contact Details:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

PLANNING COMMITTEE**SITE VISITS****Tuesday 19th January 2016**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:20	York Caravan Park, Stockton Lane	4e
10:55	The Retreat, Heslington Road	4b,4c & 4d
11:25	St Lawrence Working Mens Club, Lawrence Street	4f & 4g

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	10 December 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Shepherd and Warters
Apologies	Councillors Galvin, Funnell and Richardson

48. Site Visits

Application	Reason	In Attendance
Hungate Development Site	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd
Sewage Works, Naburn Lane, Naburn, York	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd
Land Lying to the West of Knapton Lane, York.	To enable members to familiarise themselves with the site.	Councillors Cannon, D'Agorne, Dew, Reid & Shepherd

49. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Dew declared a personal interest in relation to agenda item 4c – Land Lying to the West of Knapton Lane as his son lives in Knapton.

50. Minutes

Resolved: That the minutes of the last meeting held on 19th November be approved and signed by the Chair as a correct record.

51. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

52. Plans List

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

53. Hungate Development Site, Hungate, York (15/01709/OUTM)

Consideration was given to a major outline application by Hungate (York) Regeneration Limited for erection of two buildings (Block G and Block H) to comprise either residential units (use class C3), residential institution/elderly accommodation (use class C2), or a mixture of the two and flexible commercial uses (within use classes A1, A2, A3, A4, A5, B1 or D2) and associated infrastructure works. Full application for erection of part 5/part 6/part 7 storey building (Block D) comprising 186 residential units; erection of part 5/part 6/part 7 storey building (Block F) comprising 101 residential units, community centre (use class D1) and multi-storey car park; development of new public spaces (St John's Square and Friar's Quay) and riverside walk and associated infrastructure works.

Officers circulated a lengthy update to the committee report, full details of which are attached to the online agenda for this meeting, the main points were as follows:

- A policy update provided by City Development to confirm that the Council's calculations accord with the applicant's statement that up to 10,400 sqm of B1a office space could be provided in this part of the city.
- Safer York Partnership – the applicant confirmed a meeting had taken place with the police Architectural Liaison Officer and the only remaining issue was the open

spaces of St Johns Square and Friars Quay within the development.

- Bus stop improvements - Paragraph 4.95 of the Officers report should refer to improvements to the bus stops at Peasholme Green rather than Jewbury.
- Community facilities (revisions to text) - £100k commuted payment towards the development of integrated and jointly managed community facilities at Central Methodist Chapel on St. Saviourgate and the on-site community space and the transfer of completed on site community space to an appropriate management organisation as agreed by City of York Council in consultation with the Hungate Development Community Trust and the Central Methodist Chapel.
- Public Art - arts projects, works deriving from archaeology on the site and use of local artists to design elements of the scheme should be considered by the applicant.
- Additional conditions - Officers requested that if Members were minded to approve the application that delegated authority is given to the Assistant Director for minor amendments to the wording of conditions to take account of potential phasing issues.

Officers then advised of a number of other issues that had arisen since the committee report and update had been issued to Members as follows:

- Factual errors in the committee report - in reference to page 47 of the agenda, the text “Stonebow / Hungate Highways Street Improvement works £307,000” should be deleted. These works were not being secured by the Section 106 agreement but would be secured through Condition 27 and would be delivered at the developers expense through a S278 Highways agreement.
- An amendment to the text of Condition 27 to include reference to the provision of public art.
- On page 47 of the agenda, under the heading of Highways, it should state “bus pass to be provided to each occupier” rather than a commuted sum payment. The £264,000 is an overall cost to inform the viability appraisal.

- Archaeology is to be dealt with through the Section 106 rather than through a condition.

David Fraser had registered to speak on behalf of York Civic Trust. He advised that following the previous phases of the development, the Trust considered the application to be over development of the site. He praised the architects who he felt had produced a well designed scheme but questioned whether it was suitable within the medieval walls of York. He felt that the development should show regard for the scale and massing of its neighbours and that the citizens of York deserved a development which would enhance the historic environment.

Richard Cook had registered to speak for the applicant. He advised that a revised masterplan had been produced over the last 18 months which had learnt from the previous phases and addressed the current market conditions and focused heavily on improving the public realm areas. As a result a predominantly residential scheme was now being proposed with substantially improved public areas. The development will be highly sustainable.

Councillor Craghill had registered to speak as Ward Member. She raised concerns about the lack of provision for family housing and the height and massing of the scheme, particularly the blocks overlooking Stonebow. She advised that she welcomed play spaces and also questioned whether areas of the site would benefit from controlled parking and traffic regulation orders.

Members questioned the Officers and speakers on a number of points as follows:

- In relation to the suggested additional condition in the officers' update relating to the landscaping scheme, a Member queried whether the words 'within a period of five years' could be removed to ensure that landscaping is continually maintained.
- The lack of affordable family housing. The applicant confirmed that in previous phases, the family houses had failed to sell and had subsequently been split into

apartments so this phase would include a number of larger 3 bedroomed apartments rather than houses.

- Some members raised concerns about the cost of the service charge to residents and implications for the affordability of the homes.
- Concerns were raised over the potential for disruption to residents in the area during the construction period following a number of complaints during the previous construction periods at Hungate. Some Members queried whether a phone number direct to the Council's Planning Enforcement team could be provided to residents but this was not considered appropriate as it was the applicant's responsibility to address any immediate concerns and an out of hours planning enforcement service was not feasible. It was agreed that Officers would look into the possibility of receiving a regular update from the applicant on any complaints from residents in order to monitor the situation.

Following further discussion members agreed to:

Resolved:

- (i) Defer pending satisfactory completion of a Section 106 Agreement to secure the following
 - (a) Affordable Housing
 - (b) Open Space
 - (c) Highway Works and Sustainable Transport measures
 - (d) Community Facilities,and if not otherwise secured by way of condition, any required archaeological works and;
- (ii) On completion of the S106 Agreement delegated authority be given to the Acting Director of City and Environmental Services to GRANT permission subject to any necessary conditions including those outlined in the committee report, changes to conditions requested by members and updates circulated at the meeting.

Reason: The development would cause some minor and less than substantial harm to the setting of the adjacent Conservation Area and the listed Rowntree Wharf building, and such harm has been afforded considerable importance and weight in the overall planning balance. The outcome of the assessment is that the benefits to the scheme including the provision of much needed additional dwellings in the City outweigh the less than substantial harm identified. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy, subject to securing contributions to mitigate the impact of the development on infrastructure.

54. Sewage Works, Naburn Lane, Naburn, York (15/01845/FULM)

Consideration was given to a major full application by Kelda Energy Services Limited for the installation of solar photovoltaic (PV) array with associated infrastructure including solar panels and frames, new internal access track and temporary construction compound.

Paul Kelly spoke on behalf of the applicant. He advised that the scheme had been applied for in order to assist with the £50m per year energy bills the company incurs and it was hoped that the solar panels would help deliver savings for the company and reduce carbon emissions. He felt that the development would have a limited impact on the Green Belt and that the benefits the scheme would deliver would outweigh any impact.

Members queried a number of points, in particular whether the scheme would benefit the local community in any way and the impact of the proposals upon the Green Belt. It was confirmed that the energy generated would only be for use by the Sewage Treatment Works and that Officers considered that the development would cause significant harm due to the impact on the openness of the Green Belt and the views from the nearby cycle route.

Following further discussion, some Members felt that the development was inappropriate in the location, whereas other Members felt that they could support the application due to the proposed sustainable energy use. When put to the vote it was:

Resolved: That the application be refused.

Reason: Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site, south of the sewage treatment works in Naburn is located within the general extent of the York Green Belt. The site is also within the Green Belt as identified in the City of York Draft Development Control Local Plan (April 2005). It is considered that the proposed development consisting of a solar photovoltaic (PV) array with associated infrastructure constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework and particularly paragraph 91. As such, the proposal results in harm to the Green Belt, by definition, and by reason of any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within it. Whilst 'very special circumstances' have been put forward by the applicant being the generation of renewable energy, this does not clearly outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Development Control Local Plan policies SP2 and GB1.

**55. Land Lying to the West of 41 Knapton Lane, York
(15/01711/OUTM)**

Consideration was given to a major outline application by Novus Investments Ltd for the erection of 14 dwellings.

Officers provided a brief update to the committee report, full details of which are attached to the online agenda for information, the main points were as follows:

- The Council's Highway Network Management no longer raised objections following the receipt of an amended plan which introduced a footpath to the site frontage. They also sought sustainable transport measures through the Section 106 agreement.
- The Council's housing department objected to the lack of affordable housing being proposed.

Marcus Offer had registered to speak on behalf of The Friends of Knapton Lane Woodlands. He advised that he represented over 50 households and while many of the households enjoyed views of the woodlands, the main concern was regarding the removal of the site from the draft Green Belt, should the application be approved. He referred to the North Yorkshire Green Belt Local Plan Inquiry in 1994 in which the Inspector considered the site should be included in the Green Belt and reminded Members that the latest available draft of the Local Plan still shows the site as Green Belt.

Tony Chalcroft had registered to speak also on behalf of The Friends of Knapton Lane Woodlands. He referred to the applicant's assertion that the area to be cleared had low ecological significance and the fact that the Council's Ecology officer had refuted this. He advised that the woodland is valued locally and that a number of species including hedgehogs, amphibians and bats have been noted at the site.

Robert Dick had registered to speak on behalf York Natural Environment Trust (YNET). He advised that YNET concur with the comments made by the Officers in the committee report in relation to Ecology. He referred to the Ash trees which had withstood many years on the site and considered that they should be protected. He also raised concerns about the displacement of water should the site be built on and the impact this could have on nearby wetlands.

Simon Grundy spoke as the agent in support of the application. He advised that in his opinion, cities require room to grow and that greenfield land is required for development. In relation to the site he advised that as there was development on 3 sides already; this application would round it off the site. He felt that the site did serve a green belt function and was of little ecological importance. The development would be a small scale housing development in keeping with the area and in his opinion, would have minimum impact.

Members queried a number of points with the applicant's agent, in particular why the applicant did not accept that the site was considered to be green belt and why he felt it had no relevance. The applicant advised that in relation to green belt he felt the site did not serve any of the purposes of the green belt. In terms of the site having no relevance he advised that his comments related to the ecology and the fact that the planning assessment undertaken had found no evidence of any important species, including bats.

Members entered debate and felt that they had heard no reason to persuade them to vote against the Officer's recommendation.

Resolved: That the application be refused.

Reason: Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre . The site is identified as Green Belt in the City of York Draft Local Plan Fourth Set of Changes (April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. The considerations put forward by the applicant (namely contribution to unmet housing need; creation of jobs in construction; built development on three sides of the site; provision of robust landscape buffer) do not clearly outweigh harm by reason of inappropriateness and any other harm,(such other harm being the impact on the openness

of the Green Belt and conflict with the purposes of including land within Green Belt, character and appearance of the area, loss of trees covered by a tree preservation order, ecology and access arrangement), and therefore do not amount to very special circumstances. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land', guidance within National Planning Practice Guidance (March 2014), in particular the section 'Housing and Economic Land Availability Assessment', and Policy GB6 of the City of York Draft Local Plan Fourth Set of Changes (April 2005).

Cllr A Reid, Chair

[The meeting started at 4.30pm and finished at 7pm].

COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 14/00112/FULM
Application at: Site Adjacent To Frog Hall Public House Layerthorpe York
For: Erection of five storey hotel (class C1) and a drive-through restaurant (class A3) at ground floor level, with associated parking, landscaping and access, and including extension to James Street/Heworth Green Link Road
By: Tiger Developments
Application Type: Major Full Application (13 weeks)
Target Date: 21 April 2014
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site is presently vacant. It was once part of the former gasworks site, which remains to the northeast. The land to the north of the site has recently been regenerated. There are offices and flats which sit between the river and the completed part of the planned link road between Heworth Green and Layerthorpe. To the south are a bicycle shop with flat above and a supermarket with car parking. There is a parcel of land to the east of the site which remains undeveloped.

1.2 The site was designated for redevelopment (residential and offices) in the 2005 Draft Local Plan. It is predominantly in flood zone 3.

PROPOSALS

1.3 This application is for a hotel with 128 bedrooms with an ancillary restaurant at ground floor level. There would also be a separate commercial unit at ground level, a drive through restaurant with 165 sq m customer floor space.

1.4 The building is positioned to avoid the blast zone of the gas holder to the northeast and is surrounded by 90 car parking spaces and landscaping. It is proposed to continue the river walkway along the Foss, which has been established alongside recent development to the north. The application also proposes completion of the final section of the James Street/Heworth Green Link Road, as the proposed new access road to the development follows the line of the final section. In order to facilitate construction of this final section, the s106 agreement would

require the developer to enter into a s278 Highways Agreement to construct the interfaces with Eboracum Way and Layerthorpe, including a traffic signal controlled junction. The S106 Agreement also proposes that the Council contributes £290,000 towards the highway works to facilitate completion of the link. The provision of infrastructure which is secured through a s278 Highways Agreement is not subject to the pooling restrictions imposed by the Community Infrastructure Levy Regulations 2010 as amended.

SITE HISTORY

1.5 Planning permission was granted for a similar development in June 2012 (application 11/02210/FULM). It has not been possible to implement the previous permission as the hotel could not go ahead until the gasholder is de-commissioned. This was a requirement from the Health and Safety Executive due to the scale of the hotel and its proximity to the gasholder.

1.6 Due to lack of progress in de-commissioning of the gasholder the applicants have developed an alternative scheme, with the building re-positioned outside the blast zone.

1.7 This application initially came to committee in October 2014. Members supported the officer's recommendation to approve subject to an S106 agreement. The application is brought back to planning committee as there are now alterations to the scheme. Of note there is clarity over the proposed ground floor uses – an ancillary restaurant to the hotel and a separate cafe/restaurant with drive-thought facility. The latter now has a reduced floor-space which has influenced the foot print of the building. The changes are highlighted on drawing A50 03.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:
Floodzone 2 GMS Constraints: Flood zone 2
Floodzone 3 GMS Constraints: Flood zone 3
Hazardous Premises GMS Constraints: Transco

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes approved for Development Management purposes in April 2005

Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include

CYGP1	Design
CYGP4A	Sustainability
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT4	Cycle parking standards
CYE1A	Premier Employment Sites
CYV4	Allocation of hotel sites
CYT2B	Proposed Pedestrian/Cycle Networks
CYNE7	Habitat protection and creation
CYNE8	Green corridors
CYED10	Student Housing

2.3 Draft York Local Plan (2014) Publication Draft

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant draft policies include;

SD1	Sustainable Development
DHE1	Design & the Historic Environment
DHE4	Building Heights & Views

2.4 Relevant sections of the NPPF:-

- 1; Building a strong, competitive economy
- 7; Requiring good design
- 11; Conserving and enhancing the natural environment

3.0 CONSULTATIONS

3.1 There has been no external re-consultation due to the minor nature of the alterations to the scheme previously brought to planning committee. Previous comments and those from internal consultees are summarised below.

ENVIRONMENTAL PROTECTION UNIT

3.2 Officers raise issue with possible noise disturbance from the drive-through restaurant and during construction. Conditions were applied to the previous recommendation, to control opening and delivery times and to require that any plant/machinery is below the existing background noise level, in the interests of residential amenity. A construction management plan was recommended to be

agreed via condition, but instead a condition was applied restricting times of construction.

3.3 Planning conditions were recommended to deal with land contamination, including the requirement for monitoring after the remediation strategy had been implemented to ensure the remediation had been a success.

PLANNING AND ENVIRONMENTAL MANAGEMENT

Ecology

3.4 Officers recommended enhancement of the wildlife corridor along the river, and avoiding light pollution in the area (where the river walkway were proposed). It was asked for bat and bird habitat features to be introduced.

Landscape

3.5 Officers are happy with the quality of the planting stock and tree pit details and recommend a standard planning condition to secure implementation of the landscaping scheme and to give 5 years to allow it to establish. Officers did make the following recommendations to the scheme submitted 23 Dec 2015, which has subsequently been amended.

- Proposed trees are Rowans, the performance of which can vary enormously, and have not shown great success in York. Officers suggest half of these be exchanged for a couple of other species, such as *Pyrus calleryana* and more of the *Acer campestre* 'Emerald Queen'; this would not compromise the principles of single-species groupings.
- Officers queried the use of the Privet (*Ligustrum ovalifolium*) at the rear, between the building and the river, as it would grow a lot taller than the herbaceous component – the Rudbeckia and Carex, proposed for the shrub planting areas.
- The tree pit details are suitable, though it was recommended subsoil be imported to a poor, contaminated site such as this. Furthermore, a lot depends on the contractor and regular maintenance operations as to whether the trees will survive in the narrow planting beds.
- It would be appropriate to plant 2 or 3 individual trees, (introducing another species such as *Fagus orientalis* 'Iskander') just within the planting blocks at the end of each step of the west elevation of the hotel and within the grassed area near to the ramp. These could fit just outside of the sewer easement zone.
- The tree protection area – 'protection fencing' is good, which should keep all development operations outside of the root protection zones. However a riverside footpath is to be constructed between the existing trees, we will need

a construction detail and method statement for this. This can be a planning condition.

HIGHWAY NETWORK MANAGEMENT

3.6 Officers do not have any safety concerns over the changes to the internal layout. Officers are content for the scheme to be approved subject to conditions and a legal agreement to secure -

- The delivery of the link road
- A road safety audit for the new highway
- That the hotel has a travel plan
- Agreement on how the highway network is affected during construction

FLOOD RISK MANAGEMENT

3.7 As reported previously, officers recommended approval based on the scheme for compensatory surface water storage dated 9 October 2014 and subject to agreement of the site specific drainage scheme.

POLICE ARCHITECTURAL LIAISON OFFICER

3.8 Officers advise the applicants engaged in pre-application discussions with the police and secure by design principles have been incorporated into the scheme.

CANAL & RIVER TRUST (REPLACED BRITISH WATERWAYS)

3.9 No comment.

ENVIRONMENT AGENCY

3.10 No objection provided the development were carried out in accordance with the submitted FRA.

PUBLICITY

3.11 There were six objectors to the scheme.

Harm to residential amenity

- Noise as a consequence of the traffic movements associated with the proposed drive through and the hotel, the latter would have associated activity on a 24 hour basis.

- Due to the layout and proposed drive-through the area is one where it is likely youths with cars/scooters will concentrate and hang out and this will lead to disturbance and loss of residential amenity.
- Litter creation due to customers from the drive-through.
- Smells and odours from restaurants.
- Over-looking over Rome House flats (to the north)

Design

- The architecture and materials proposed are atypical of York. The building is too 'big and 'boxy' and is more akin to 1960's/70's office blocks, which are out of keeping with the scale, materials and building form that characterises the city.

4.0 APPRAISAL

VARIATIONS TO THE SCHEME

4.1 The variations to the scheme previously presented to committee are as follows –

- The proposed site plan (revision P) shows the difference in the building footprint and clarifies the detailed layout of the hotel.
- The vehicular route for the drive-through has been altered.
- Cycle parking
- The staff cycle storage for the hotel has been moved out of the building and is now within a separate store. The storage is in a similar location on site; beyond the service yard area.
- Cycle parking provision has varied as follows -
- Previous provision - 15 staff and 12 visitor spaces
- Proposed provision -
- Retail – 9 covered and secure, 8 uncovered Sheffield stands by entrance
- Hotel – 16 covered, 8 within a secure building, 8 by the entrance
- The accessible parking bays have been re-configured, they were all to the immediate north of the building previously.
- Plant enclosure
- The indicative plant enclosure that would be at roof level is now shown around 1m higher, at 2.3m high. It is also around 3m longer.

ASSESSMENT

4.2 There has been no material change in national planning policy which affects whether the development is acceptable in principle; the site has been identified for regeneration in the Draft 2005 Local Plan and there is a desire to complete the link road between Heworth Green and Layerthorpe.

The issues that require consideration are as follows -

- Visual impact of the altered layout and changes to the plant enclosure to the roof
- Residential amenity
- Flood Risk as a consequence of the altered footprint and configuration of uses within the building

Visual impact

4.3 The Nation Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.4 The planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials.

4.5 The ground floor building footprint has been reduced since the previous scheme. The approved larger footprint gave a more human scale to the building and helped screen the service yard and a car parking area in views from the proposed new link road. The ground floor restaurant still steps out beyond the upper floors, where hotel rooms are proposed. A reasonable active frontage at ground level is retained and the design has not been compromised. The soft landscaping scheme demonstrates trees and low level planting will reasonably hide the car parking areas around the proposed building.

4.6 The approved scheme showed two roof top enclosures which were intended to conceal plant. It is now known some of the plant would be around 2.3m high, and would exceed the height of the approved enclosure by approximately 1m.

4.7 The rooftop enclosure will be prominent in views and as approved was utilitarian in appearance, shown as a simple louvred panel. The increased height would draw more attention to this enclosure. More thought is needed into the design, so this element complements, rather than detracts from the appearance of the building.

This could be achieved by variation in the shape of the enclosure and use of materials. Officers are awaiting further details of the design intent for the enclosure design. A planning condition is recommended to agree the detail of this important aspect of the scheme.

4.8 The species of trees proposed has been extended and trees have been added by the river side of the building, as recommended by the council's landscape architect. Tree planting is added by the river where possible, but is restricted by the required easement due to a Yorkshire Water sewer in this area. There will be wildflower planting by the new river walk and the setting would be improved; an improvement in biodiversity as recommended in the NPPF. The revised scheme is acceptable and can be secured by a planning condition.

Residential amenity

4.9 The NPPF 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.

4.10 The alterations to the proposals move the ordering/collection points of the drive-through restaurant further away from the flat, which is above the bike shop on Layerthorpe. There is a slight improvement in this respect. There are no other changes which have a material impact on amenity in relation to the previous iteration.

Highway Network Management

4.11 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.12 There remain no objections on highways grounds. The overall cycle parking provision has increased. There is a reasonable amount of secure space and there is space for guests/customers at main entrances. There are direct pedestrian routes into both aspects of the scheme, and an additional footpath from the link road into the site has been provided. Officers have not raised concern with the reconfigured internal layout and there are no changes in detail to the proposed link road and continuation of the riverside walk.

4.13 To enable vehicle access proposals show the continuation and completion of the link road between Heworth Green and Layerthorpe. A legal agreement would facilitate delivery of the link road by requiring the developer to carry out modification works to the highway under S278 at the interfaces with Eboracum Way and Layerthorpe, including a traffic signal controlled junction. Because the highway design is of a specification over and above the need to serve the development itself, the Council would make a contribution towards funding of the highway infrastructure, of £290,000 , and this would be set out in the S106 legal agreement.

Flood Risk

4.14 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the sequential and exception tests.

4.15 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the development cannot be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

4.16 For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

Sequential Test

4.17 The development was judged to pass the sequential test previously and this remains applicable. The site was allocated for development and identified for regeneration in the 2005 Draft Local Plan (policy SP9). Regeneration of Layerthorpe and completion of the link road is a long-term council aspiration. The position of the building on site is dictated by the need to be a certain distance from the gasholder.

Exception test

4.18 The site specific FRA demonstrates the development would be reasonably safe from flooding and there would be no increased flood risk elsewhere. A change from the previous iteration is that there are some hotel guest rooms at ground floor level. The change is acceptable because the finished floor level is adequate to reasonably protect the building from flood risk (11.15 AOD which is more than 600mm above the 1 in 100 flood level and meets local requirements and those imposed by the EA). The development is designed so it would be reasonably safe from flood risk and there would be a suitable means of escape. There would be no reduction in flood

water storage on site and no increase in surface water run-off rates. There is demonstrable public benefit due to the regeneration proposed of a brownfield site and infrastructure improvements in the creation of the river walkway and the completion of the link road.

5.0 CONCLUSION

5.1 The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road; two aspirations within the 2005 Draft Local Plan. The building would be constructed to meet sustainable construction requirements and there would be no undue harm to amenity, highway safety and flood risk. Proposals constitute the type of sustainable economic growth recommended within the NPPF and there is no evidence that there would be a significant impact on the vitality of the city centre, as required by the NPPF.

5.2 It is recommended that the scheme be approved, subject to agreement of the design proposals for the plant room enclosure at roof level and a legal agreement requiring -

- That the Developer facilitate the construction of the final section of the James Street/Heworth Green Link Road between the interfaces with Eboracum Way and Layerthorpe by entering into a Section 278 Highway Agreement to carry out modifications to the interface of Layerthorpe including the proposed traffic signal controlled junction and the interface of Eboracum Way
- That the Council would contribute £290,000 towards highway works to facilitate the completion of the final section of the link road including the interfaces with Eboracum Way and Layerthorpe (including a traffic signal controlled junction)
- That the Developer construct a Riverside Walk/Cycleway continued through site, with provision for public access.

6.0 RECOMMENDATION: Delegate to officers to agree design of the roof-top enclosure and then 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:-

ESA CAPITA Drawings -

Site Plans

A50 - 00,01C, 02, 03P

Sections (revision number pending agreement of roof top plant)

A50 - 04

A52 - 00

Security Plan
A50 05D

Floor Plans
A51 - 00A, 01H, 02H, 03F

Elevations (revision number pending agreement of roof top plant)
A53 - 00, 01

Large scale detail
A53 - 02D

Sub-station
A55 – 00E

Landscaping
L 001, 101A, 102B, 103B, 104B, 201B

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

3 Drainage 1

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Details to include -

- a) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- b) Peak surface water run-off from the development restricted to 2.0 l/sec/ha.
- c) Storage volume calculations, using computer modelling shall be provided, and shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- d) Site specific details of the flow control device manhole limiting the surface water to the above rate.
- e) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

f) Details of any off-site works.

Reason: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

4 Land contamination 1

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for post remediation monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to property and ecological systems. To protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

5 Foundation design

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The

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

Reason: To protect the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

6 VISQ7 Sample panel ext materials to be approved

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. 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

7 Construction of Eboracum Way

Eboracum Way shall be constructed in accordance with the approved plans prior to first use of the development hereby approved.

Reason: To ensure suitable access into the site in accordance with paragraph 35 of the National Planning Policy National Planning Policy Framework.

8 Safety Audit

A full 3 stage road safety audit carried out in accordance with advice set out in the DMRB HD19/03 and guidance issued by the council, shall be carried out for the highway layout of Eboracum Way and all off-site works requiring alteration as specified in drawing LYH 04 rev P03, stage 1 of which shall be agreed in writing by the Local Planning Authority prior to construction works commencing onsite.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

9 Landscaping

The development shall be carried out in accordance with the approved soft landscaping plans.

A detailed hard landscaping scheme shall be approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The scheme shall include -

- hard surfacing materials;
- any new boundary treatment;
- furniture such as litter bins and any free-standing signs;
- a detailed plan showing the river walk section (including any lighting and new

balustrade between the walkway and the river);

- method statement to confirm tree protection measures during construction of river walkway.

The landscaping schemes 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 in accordance with paragraph 58 of the National Planning Policy Framework.

10 Plant enclosures

Details of the plant room enclosures (to include design and materials) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

11 Land Contamination 2 -verification report

A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority, within the timescales agreed within the site investigation scheme and verification plan. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "post remediation monitoring and maintenance plan") for post remediation monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that verification of the remedial works is undertaken to protect human health, controlled waters, property and ecological systems. To ensure that post remediation groundwater monitoring proposals are carried out in order to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

12 Land contamination 3 - Post remediation monitoring

The post remediation monitoring and maintenance plan shall be implemented as approved. Reports on monitoring, maintenance and any contingency action carried out in accordance with the post remediation monitoring and maintenance plan shall

be submitted to the local planning authority as set out in that plan, this should include a plan for the protection and where necessary reinstatement of monitoring points during and on completion of the construction phase. On completion of the monitoring programme a final report demonstrating that all site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that successful remediation of this site is undertaken to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

13 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A BREEAM Design Stage assessment shall be carried out and a BREEAM Design Stage Certificate shall be submitted to the Local Planning Authority within 6 months of commencement of the development. Within 3 months after first occupation of the building a Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority.

Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the application site, shall be submitted to the local planning authority for written approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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 local residents and businesses.

15 There shall be adequate facilities for the treatment and extraction of cooking odours. Prior to commencement of use of the site, full details of the extraction plant or machinery and any filtration system required shall be submitted to and approved by the local planning authority in writing. The system, as approved, shall be installed and fully operational before the first use of the site and shall be retained and appropriately maintained thereafter.

Reason: To protect the amenity of future residents and local businesses.

16 Cycle parking

The area shown as cycle storage on the approved site plan shall be provided prior to first use of the development hereby permitted and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. External spaces shall use Sheffield type stands unless otherwise agreed.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National Planning Policy Framework.

17 Travel Plans

Within 6 months of first use of the hotel, a travel plan (for both employees and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys) shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 6 months of first use of the restaurant, a travel plan (for employees and setting out measures to promote sustainable travel and reduce dependency on private car journeys) shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

18 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.

19 Drive-through restaurant opening times

The drive-through restaurant/cafe unit (independent from the hotel hereby approved) shall only operate within the hours of 08:00 and 24:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

20 Times of deliveries

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

Monday to Saturday 08.00 to 18.00

Sundays and Bank Holidays 09.00 to 17:00

Reason: To protect the amenity of local residents and businesses.

21 Flood risk

On site compensatory storage for flood water shall be provided in accordance with the Bailey Johnson Hayes proposals dated 09.10.2014 (document M1496 FC-01-03).

Reason: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

22 Drainage 2

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: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

23 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil, petrol and grit interceptor.

Reason: To prevent pollution of the water environment.

24 Electric Vehicle Recharging Point

Before the occupation of the development an Electric Vehicle Recharging Point shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

25 Unexpected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to property and ecological systems, and to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

26 External lighting

External lighting shall not exceed light limitations for areas classed as E2 in the ILE Guidance Notes for the Reduction of Obtrusive Light (GN01:2011).

Reason: To avoid light pollution and in the interests of residential amenity, in accordance with paragraph 125 of the National Planning Policy National Planning Policy Framework.

27 Advertisements

Any advertisements to be placed on the ground floor fascia panels to the building shall approved in writing by the Local Planning Authority prior to installation and carried out in accordance with the approved details.

Reason: In the interests of the appearance of the host building and its setting.

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: sought revised plans and through the use of a legal agreement and planning conditions.

2. 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

Contact details:

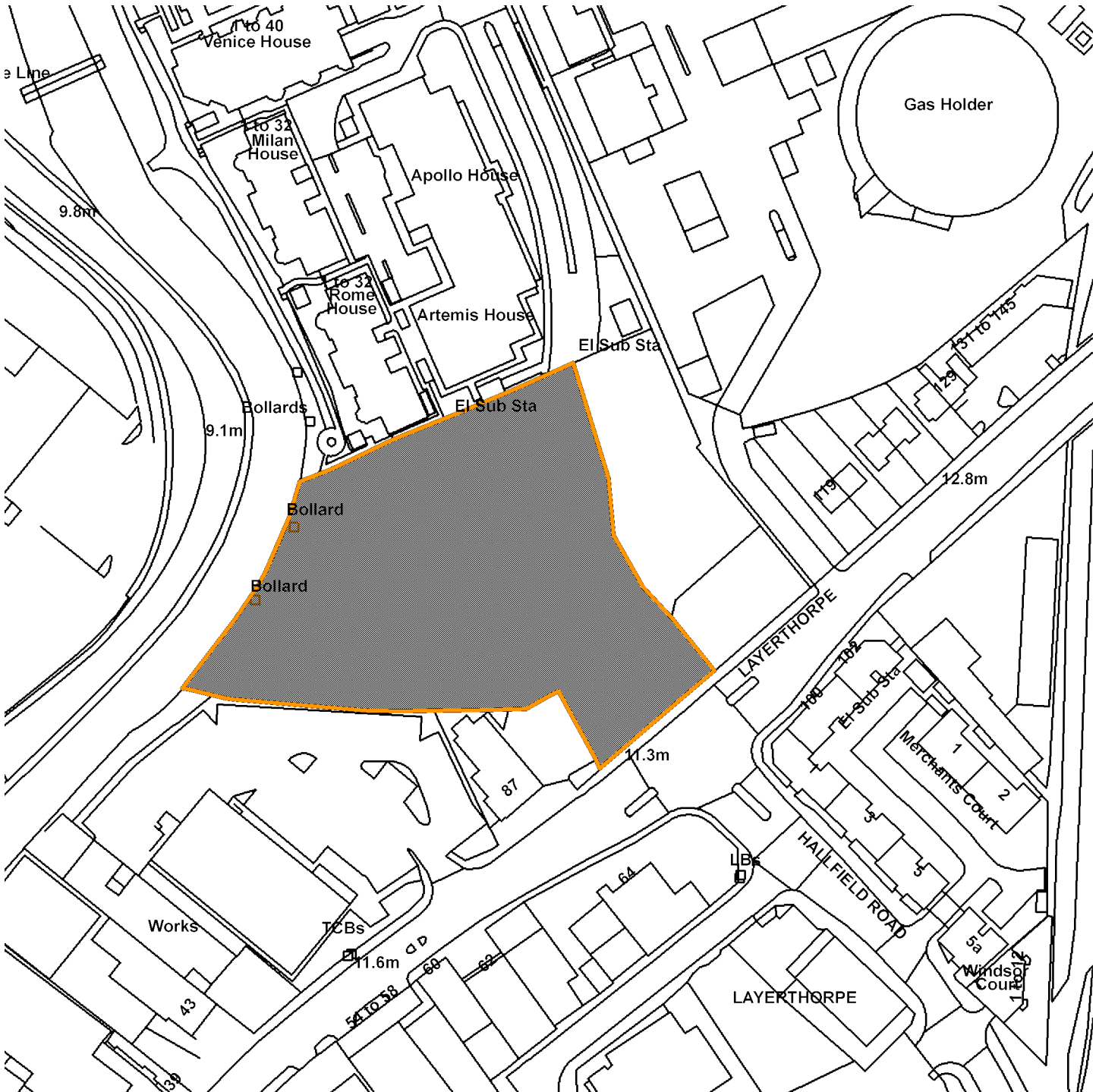
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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14/00112/FULM

Site Adjacent To Frog Hall, Layerthorpe



Scale : 1:1441

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21st January 2016 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 15/00419/FUL
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of patient day-care centre and associated
landscaping within walled garden
By: Mr Robert Brownlow
Application Type: Full Application
Target Date: 21 August 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of two single storey buildings within the grounds of The Retreat mental health care facility, which lies to the south of Heslington Road. The proposal is part of a wider development to the north of, and within, an existing walled garden that would provide a care facility for young adolescents (aged 12-18) with eating disorders (see also related applications 15/00420/LBC and 15/00421/FUL).

1.2 The proposed buildings are located within, or attached to, an existing brick walled garden that sits to the east of the main Retreat hospital building and Garrow House, both grade II listed. The historic walled garden has listed status by virtue of its age and location within the curtilage of the main listed buildings.

1.3 The larger of the two buildings would sit across the top section of the walled garden. The smaller building would sit on the south side of the walled garden. The design incorporates a green roof and brise-soleil features to the south facing windows. A glazed corridor would run along the outside of the building to link it to the wall of the enclosed garden. The main building would house a reception area, two recreation rooms, two classrooms, two therapy rooms and associated ancillary accommodation in the main buildings and the smaller buildings would house a rehabilitation kitchen and third therapy room.

1.4 The application is supported by a planning statement, heritage and design statement, archaeological desk-based assessment report, bat survey, arboricultural assessment and tree planting scheme, drainage strategy and geo-environmental desk study report.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: The Retreat/Heslington Road

2.2 Policies:

i) Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

ii). National Planning Policy Framework (March 2012)

iii). 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGB1 - Development within the Green Belt
- CYGB10 – Major Developed Sites in the Green Belt
- CYHE2 - Development in historic locations
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYHE9 – Scheduled Ancient Monuments
- CYHE10 - Archaeology
- CYHE11 - Trees and landscape
- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYC1 - Criteria for community facilities

- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYT4 - Cycle parking standards

iv). Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Landscape and Setting
- D4 – Conservation Areas
- D5 – Listed Buildings
- D7 - Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by the display of notices in the local press and on site. Notifications were sent to statutory consultees and surrounding residents. The consultation period expired on 10.12.2015. The following responses have been received.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.2 No objections raised to the proposed development as it will generate an insignificant amount of traffic and parking in relation to the overall institution which has 125 car parking and 44 cycle spaces. Note that Heslington Road is served by a regular bus and the junctions and much of the surrounding carriageway are protected by parking restrictions.

PLANNING AND ENVIRONMENTAL MANAGEMENT

(i) Countryside and Ecology

3.3 The site lies within District Green Infrastructure Corridor 7 Tilmire, which has priorities for wildlife enhancement including neutral grassland, ponds, hedges and scrub. To the south of The Retreat is Walmgate Stray, which is recorded as a Site of Local Interest. The proposed development should not impact negatively on these.

3.4 The area within the walled garden is listed on Natural England's Traditional Orchard Inventory which was produced to support the (now defunct) UK Biodiversity Action Plan as a Priority Habitat. Orchards are listed on Section 41 habitats of 'principal importance for the purpose of conserving biodiversity' of the Natural Environment and Rural Communities Act 2006. Traditional orchards are also identified as a priority habitat within the City of York Action Plan and there are very few orchards remaining in York.

3.5 The ecology survey found 12 no. fruit trees of various stages of growth, neglected but still producing fruit. The tree survey has identified the majority of these to be in poor or dead condition and recommended removal and replacement as part of the development. It is proposed to replace the removed trees with the same or similar fruit species which will maintain its structure as a small orchard. Its value for biodiversity could be further enhanced by creating wildflower grassland within the walled garden and planting nature English bluebell in shady areas to maintain the presence of this species.

3.6 An external inspection of the potting shed and garage identified features suitable for roosting bats and a further survey was undertaken in September 2014. Overall, the buildings were assessed as having a low potential to support roosting bats and no bats were seen to emerge from the building during the dusk emergence survey. It is considered that the development will not impact on roosting bats.

3.7 There was an active wren nest in the potting shed (June 2014) and the dense climbers in the walled garden provides habitat for nesting birds, and the walled

garden is suitable habitat for hedgehogs. Hedgehogs are listed on Section 41 of 'principal importance for the purpose of conserving biodiversity' of the Natural Environment and Rural Communities Act 2006.

3.8 An informative is requested to highlight the protection of birds under the Wildlife and Countryside Act 1981.

(ii) Landscape

3.9 States the large number of mature trees within 'The Retreat', play a key role in the attractive setting of the conservation area and The Retreat, as well as providing a number of health benefits. It is considered such trees should be retained and adequately protected through appropriate design. The large trees located around the outside of the walled garden and adjacent to the existing student accommodation are subject to protection mechanisms by way of their location within the conservation area.

3.10 The majority of fruit trees within the walled garden are in a poor condition, and are not suitable for management as veteran trees. Therefore, their removal is not objectionable in light of the proposed development which retains a substantial portion of the walled garden for new fruit tree planting in relation to the proposed low, single storey building. A few trees would be incorporated into the scheme, which will retain some of the character and maturity of the former orchard, such as Pear T9, however it is not so significant as to compromise the proposed development.

3.11 The proposed tree planting within the walled garden presents a suitable number and range of cultivars, though they could be arranged slightly differently in the eastern half to take them further away from the building in a more formal arrangement to allow a bit more openness immediately in front of the elevation. The outside face of the southern wall presents an opportunity for espaliered fruit bushes or trees, which would also allow greater flexibility for the 'kitchen garden'; additional trees could be set further away in a staggered arrangement if required. These items can be addressed in a landscape scheme under standard condition LAND1.

3.12 In respect of the large, mature trees on the outside of the walled garden, whose root protection areas (RPA) potentially extend under the walled garden, the proposed is to install pile and beam foundations. This would avoid the need for deep excavations. The RPA of T1 Oak is the most likely to be affected. The exchange of a possibly porous surface with a non-porous one may be detrimental to the mature trees on the outside perimeter of the walled garden. The arboricultural impact assessment should provide a view on this.

3.13 A condition is requested requiring a final arboricultural method statement in order to make sure that site practices and proposed foundations are in keeping with the intentions of the arboricultural method statement.

(iii) Archaeology

3.14 It is normal practice in York to require pre-determination evaluation work on sites of archaeological interest. This practice is in line with the guidance in the NPPF and City of York emerging Local Plan. In exceptional circumstances, this requirement can be waived and a condition imposed to provide for and archaeological evaluation and any further archaeological work that might arise as a consequence.

3.15 The applicants have commissioned a desk-based assessment (DBA) that identifies the considerable archaeological significance and interest and acknowledges the direct impact and potential damage to undesignated heritage assets.

3.16 Because of access problems, it is accepted that it is not possible to carry out a pre-determination archaeological evaluation of the walled garden site and that carrying out the evaluation in two phases would impose cost and efficiency penalties and cause disruption and disturbance around the student accommodation block. In these circumstances, it is accepted that this evaluation can take place after approval. If evaluation indicates that there are archaeological features and deposits present on the site, then the evaluation trenches must be extended to cover the footprint of the new development so that all archaeological features and deposits can be recorded prior to construction commencing. Conditions are recommended.

(iv) Conservation Officer

3.17 The scheme in principle is supported and has been very clearly thought through, both in terms of functionality, and in its intention of enhancing the setting of both Garrow House and The Retreat, both grade II listed buildings. The proposals potentially sustain the future use of The Retreat in the use for which it was constructed, and in doing so preserve its significance.

FLOOD RISK MANAGEMENT TEAM

3.18 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Having assessed the further information within the Drainage Strategy dated October 2015 by Campbell Reith Consulting Engineers and onsite infiltration testing, the team has no objections to the development in principle but requests drainage conditions be applied to any approval.

EXTERNAL

HISTORIC ENGLAND

3.19 Recommends that consent be granted subject to appropriate archaeological, arboricultural and materials conditions.

YORKSHIRE WATER

3.20 Requests conditions to cover foul and surface water drainage.

4.0 APPRAISAL

4.1 The key issues pertinent to the determination of this application are:

- Principle of development;
- Green Belt policy;
- Impact on designated and non-designated heritage assets;
- Design considerations;
- Impact on trees and ecology;
- Flood risk and drainage assessment;
- Access, parking and impact on highway safety;
- Effect on residential amenity;
- Contamination risks;
- Other considerations.

THE SITE AND HISTORY

4.2 The Retreat is a Grade II listed hospital located on the south side of Heslington Road. It is bounded by Heslington Road to the north, which then cuts through the site as a cycle/pedestrian route, Thief Lane to the north and University Road to the east. The hospital is situated within a parkland setting. In addition to the main hospital building, Garrow House and a summerhouse are also Grade II listed. There are various other ancillary structures and buildings of varying dates within the grounds. The site falls within The Retreat/Heslington Road Conservation Area (no.8). It sits between the City Centre Area of Archaeological Importance, which is adjacent to the east, and the Retreat Area of Archaeological Importance, centred around the site of Lamel Hill Battery to the west of the main hospital building. It lies within Flood Zone 1 (low probability). There are many mature trees within the parkland that are protected by the conservation status of the site.

4.3 There is a lengthy planning history for The Retreat site. The date of approval for the building to be replaced by the proposed accommodation block is unclear, but it dates to circa. 1970s. No other permissions or consents are relevant to the consideration of the application. The current application has been subject to lengthy pre-application discussions with officers for the proposed health care facility (14/00909/PREAPP).

POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber regional Spatial Strategy (“RSS”), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York’s Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.5 Central Government guidance is contained in the National Planning Policy Framework (“NPPF”, March 2012). Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design, protecting Green Belt and conserving heritage assets.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, that is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 9 ‘Protecting Green Belts’ says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.8 Section 10 'Meeting the challenge of climate change, flooding and coastal change' offers advice on locating new development to avoid increased flood risk.

4.9 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.10 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are policies GP1, GB1, HE2, HE4 and HE10.

4.12 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

PRINCIPLE OF DEVELOPMENT

4.13 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The 2005 Draft Local Plan proposals map identifies the site within the general extent

of Green Belt. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Furthermore, the location of the site within the grounds of three listed buildings and in a designated conservation area means that the usual presumption does not apply by virtue of footnote 9. Instead, the more restrictive policies in section 9 and 12 of the NPPF apply.

GREEN BELT POLICY

4.14 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

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

4.15 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.16 Most development within the Green Belt is considered inappropriate. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt. The proposal involves the construction of two new buildings within the general extent of York's Green Belt. The applicant is of the opinion that the proposal falls within the exception in paragraph 89 of the NPPF of 'limited infilling or partial redevelopment of previously developed sites...which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, the NPPF excludes land within built-up areas such as private residential gardens and parks from the definition of previously developed land. As such, it is officers' view that the proposal does not fall within any of the exceptions listed in paragraph 89 of the NPPF and, therefore, constitutes inappropriate development that is by definition harmful for the purposes of the Green Belt policy tests. 'Very special circumstances' must, therefore, exist that outweigh

the harm to the Green Belt by reason of inappropriateness, and any other harm identified below, for the development to be acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.17 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The proposed development would largely be contained within an existing walled garden and as such there would be limited views of it from outside the enclosure. A smaller structure would be mainly concealed from public views by the existing brick boundary wall and the southern elevation of the walled garden. Although marginally higher than the walls of the enclosure, the only element of the buildings that would be viewed from outside would be the roof structure, which for the primary building would be a green roof. It would replace previous glass house structures that have been removed not in the near past and had a smaller footprint, but for which the bases still exist. The presence of structures within walled gardens, such as single storey glass houses, is characteristic of these historic features. As such, it is officer's opinion that the proposal would not result in any additional harm to the openness of the Green Belt. Furthermore, the proposal does not conflict with purposes of including land within Green Belt listed in paragraph 80. In conclusion, no additional harm has been identified to openness and purpose of the Green Belt.

HERITAGE ASSETS

4.18 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under section 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.19 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as “designated heritage assets”. Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan policies HE2, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.20 The application site lies within the setting of grade II listed buildings, The Retreat and Garrow House. It falls within the designated Retreat/Heslington Road Conservation Area, which was designated in 1975. Its description explains that the land occupies high ground to the south of the City and commands views northwards across the city and southwards over Walmgate Stray towards Fulford. The character of the conservation area results from ‘an institutional use set in parkland surrounded by obscuring walls but with views out’. The conservation area includes Lamel Hill, a large mound raised during the Civil as part of works that encircled York and an extensive late Roman or Anglian cemetery. As a result of its historic significance, the mound is a Scheduled Ancient Monument that has been designated an area of archaeological importance. The City Centre Area of Archaeological Importance lies to the east of the site and focuses on Green Dykes Lane/University Road and the land either side of it.

4.21 The proposed building has been designed to be subservient to the walled garden in order to retain the integrity of this historic structure when viewed from the outside. The primary day care building would be set away from the historic wall by approximately 2.8m with a glazed roof corridor separating them. The roof of the buildings would extend above the height of the walls by approximately 100mm, which, given the set back, would not be read in external views of the building at ground level. The primary day care building would be constructed partly on the footprint of the glasshouses that once existed within the walled garden and would leave the southern portion of the garden in its intended use. New planting is proposed within the garden. The smaller building is limited in size and would not interfere with the function of the walled garden. A kitchen garden area is proposed

adjacent to the rehabilitation kitchen, which would provide a link to the historical use of this part of The Retreat. The use of timber and a green roof would reflect the rural nature of this historical structure and space. As such, the proposed development would retain the value of the walled garden and that of the site as a mental health hospital within a parkland setting, which is cited in the conservation area description as the main element of the conservation area's character.

4.22 The location of the proposal within the site would not impact on the Scheduled Ancient Monument or the Area of Archaeological Importance centred around it. The applicant has submitted a desk-based assessment that highlights that the site is of considerable archaeological potential as it appears to have been part of an important Anglo-Saxon landscape with definite and potential burial mounds and cemeteries and a 6th century settlement within 400m. It considers that the proposal would potentially impact on these remains and there is a high likelihood that the extant remains of the 19th century gardening and leisure buildings would be impacted.

4.23 The City Archaeologist did ask at pre-application stage for an archaeological evaluation to be carried out before submission of the application. However, following further discussion, he agreed that the application could be approved subject to conditions. As such, and in line with advice in paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, conditions relating to archaeological evaluation have been requested by the City Archaeologist.

4.24 In light of the above, the proposal would not result in harm to the significance of the grade II listed buildings on site, including that of the curtilage listed walled garden, nor that of the conservation area. The proposal would preserve the setting of the listed buildings, as required by section 66(1) of the 1990 Act, and in doing so would preserve the character and appearance of the conservation area, as required by section 72(1) of the Act. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions. There would be no additional harm to Green Belt.

DESIGN

4.25 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para. 63). The advice in chapter 7 is replicated in Draft Local Plan policies GP1 (Design) and GP9 (Landscaping) and these policies, therefore, accord with the NPPF. In

particular, Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.26 A simple design approach has been adopted for the buildings including contemporary elements, such as timber cladding, green roof and brise-soleil, that seek to enhance their appearance as well as meet sustainability requirements. An entrance would be provided via the west facing wall to allow access to the proposed accommodation block that would be situated north of the walled garden. A condition requiring material samples should be imposed if the application is approved. Further details of hard and soft landscaping to the remaining garden should also be covered by condition. On the basis of the above, the proposal would respect the local environment and would accord with the aims of the NPPF to achieve high quality and inclusive design. There would be no additional harm to Green Belt.

TREES AND ECOLOGY

4.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. Policies NE1 and NE6 of the Draft Local Plan reflects this advice in relation to trees and protected species.

4.28 There are no such designated sites within the vicinity of the site that would be adversely affected. The proposal would not impact negatively on Walmgate Stray, a Site of Local Interest. The ecology survey identified 12 no. fruit trees as part of the traditional orchard within the walled garden, though these were categorised in the tree survey as being in poor or dead condition. It is proposed to remove some of these and replace with the same or similar fruit species. A landscape condition, which would require further details of the replacement planting is recommended as well as a method statement condition to cover site practices and foundations to ensure that the proposed building does not adversely affect the root protection area (RPA) of the mature Oak tree that lies adjacent to the east facing section of the walled garden.

4.30 A bat survey was undertaken of the existing structure, which assessed the buildings as having a low potential to support roosting bats and no bats were seen emerging. As a result the proposed development would not impact on roosting bats. An active wren nest was found in the potting shed and the dense climbers are suitable for nesting birds. The habitat is also suitable for hedgehogs. The Council's Ecologist recommends an informative be added to any approval to bring the

applicant's attention to the requirements of the Wildlife and Countryside Act 1981 with regards birds.

4.31 Whilst there is the potential for some harm to be caused to mature trees and protected species, this can be mitigated by the imposition of conditions and an informative. Therefore, it is considered that the proposal would not result in harm to biodiversity and there would be no additional harm to Green Belt.

FLOOD RISK

4.32 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.33 The site lies within low risk flood zone 1 and should not suffer from river flooding. Foul water would be discharged to the existing sewers that serve the site. A drainage strategy has been submitted to support the application. It explains that following an infiltration test, topographic site survey and site walkover, it is proposed that surface water run-off from the site would be discharged to the existing sewer outfall, controlled so as not to exceed run-off rates agreed with the Council's Flood Risk Engineer and Yorkshire Water. The Council's Flood Risk Engineer has assessed the submitted drainage strategy and is satisfied in principle subject to detailed drainage information being submitted for approval prior to development commencing. As such, the proposal would result in no harm to flood risk in the area and no additional harm to Green Belt.

HIGHWAY SAFETY

4.34 The NPPF encourages sustainable travel and siting development in sustainable and accessible locations. The proposal involves the provision of additional mental health services and facilities in connection with an existing and long established mental health hospital that is close to the City Centre and accessible by public transport and other non-car modes of travel. The building would be served from the existing site entrance with the public highway on Heslington Road and there is existing car and cycle parking facilities that serve the hospital including the accommodation block that is to be demolished to make way for the proposal building. As such, there are no objections raised on highway grounds. There would be no further harm to Green Belt.

AMENITY

4.35 One of the core principles of planning outlines in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.36 The Environmental Protection Unit has raised concerns about the impact on amenity during construction and from plant and have requested conditions and informatives be imposed on any approval to address this. A further condition is recommended in the event that contamination is found during construction works.

4.37 The proposed building is contained within the built extent of the walled garden, with the exception of the kitchen element, which is on the inner side of the boundary wall. As such, there would be no residential properties that would be adversely affected by the development, in terms of overlooking, overshadowing or over-dominance. The proposed building would be located at a sufficient distance away from Garrow House. The layout of the new building and its relationship with the walled garden creating a private and secluded amenity space would benefit future users of building.

4.38 In light of the above, the proposal would not result in harm to amenity that could not be mitigated through condition. There would be no additional harm to Green Belt.

OTHER CONSIDERATIONS

4.39 The proposal would constitute inappropriate development that would by definition be harmful to the Green Belt by reason of inappropriateness. No other harm has been identified, subject to the imposition conditions should Members be minded to approved the application. Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that amount to 'very special circumstances' that are sufficient to clearly outweigh harm to the Green Belt by reason of inappropriateness and any other harm.

4.40 The scheme would provide an additional health care facility at a long-established mental health institution that serves the City and wider region. The planning statement includes a clinical justification for the facility, which is intended to cater for young adolescents aged between 12 and 18 with eating disorders, particularly anorexia nervosa. The justification explains the need, both nationally and locally, for such a facility. It quotes a position statement issued in August 2013 by the Quality for Inpatient CAMHS (QNIC) and the Quality Network for Community CAMHS (QNCC) Royal College of Psychiatrists in response to increasing numbers of young people being admitted to adolescent psychiatric units. The statement confirms that the reliance on hospital admission has led to an increase in the number of 'out of area' admissions as the demand for local beds increasingly exceeds supply. The Retreat and the environment provided by its landscape setting and the seclusion of the walled garden away from the main hospital, which caters for adults, are suited to the proposed use. The scheme would, therefore, provide a much-needed social and community benefit.

4.41 The proposal would help to maintain the use of the land for its intended purpose – a mental health institution – as well as benefitting the listed fabric and the setting of heritage assets as detailed in paragraphs 4.18-4.24 above, without causing additional harm to the openness of purposes of the Green Belt.

4.42 It is officers' opinion that the above considerations represent compelling reasons that, when taken together, constitute 'very special circumstances' that clearly outweigh the identified harm to the Green Belt.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. This harm to openness and purposes of the Green Belt must be afforded substantial weight and very special circumstances will not exist to justify the development unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 It is considered that the other considerations set out in paragraph 4.40-4.41 above, together with mitigation of other harm through planning conditions, clearly outweigh the potential harm to the Green Belt, even when affording this harm substantial weight. This, therefore, amounts to the 'very special circumstances' necessary to justify the development.

5.3 The proposal is considered to comply with national and local planning policies and is recommended for approval.

6.0 RECOMMENDATION: Approve

1. TIME2 Development start within three years
2. PLANS Approved plans
3. No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence of significance of archaeological features and deposits and enclosure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

4. If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

5. LAND1 New landscape details
6. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a final Arboricultural Method Statement agreed and signed by the developer and contractor. This shall include the following additional information: details and methodology for

demolition operations, building foundations, ground protection, paving, type of construction vehicles and machinery to be used where these have the potential to impact on the roots, trunk or crowns of existing trees shown to be retained in the approved drawings.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the conservation area and/or development.

7. VISQ2 Large scale details
8. VISQ7 Sample panel ext materials to be approved
9. VISQ8 Samples of exterior materials to be app
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The details shall be in accordance with the Drainage Strategy dated October 2015 by Campbell Reith Consulting engineers.

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

12. 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.

13. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage

14. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme.

Reason: To protect the amenity of local residents.

15. NOISE7 Restricted hours of construction

16. Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval prior to coming into use. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant and 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 amenities of adjacent residents.

17. In the event that contamination is found at any time when carrying out the approved development, 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.

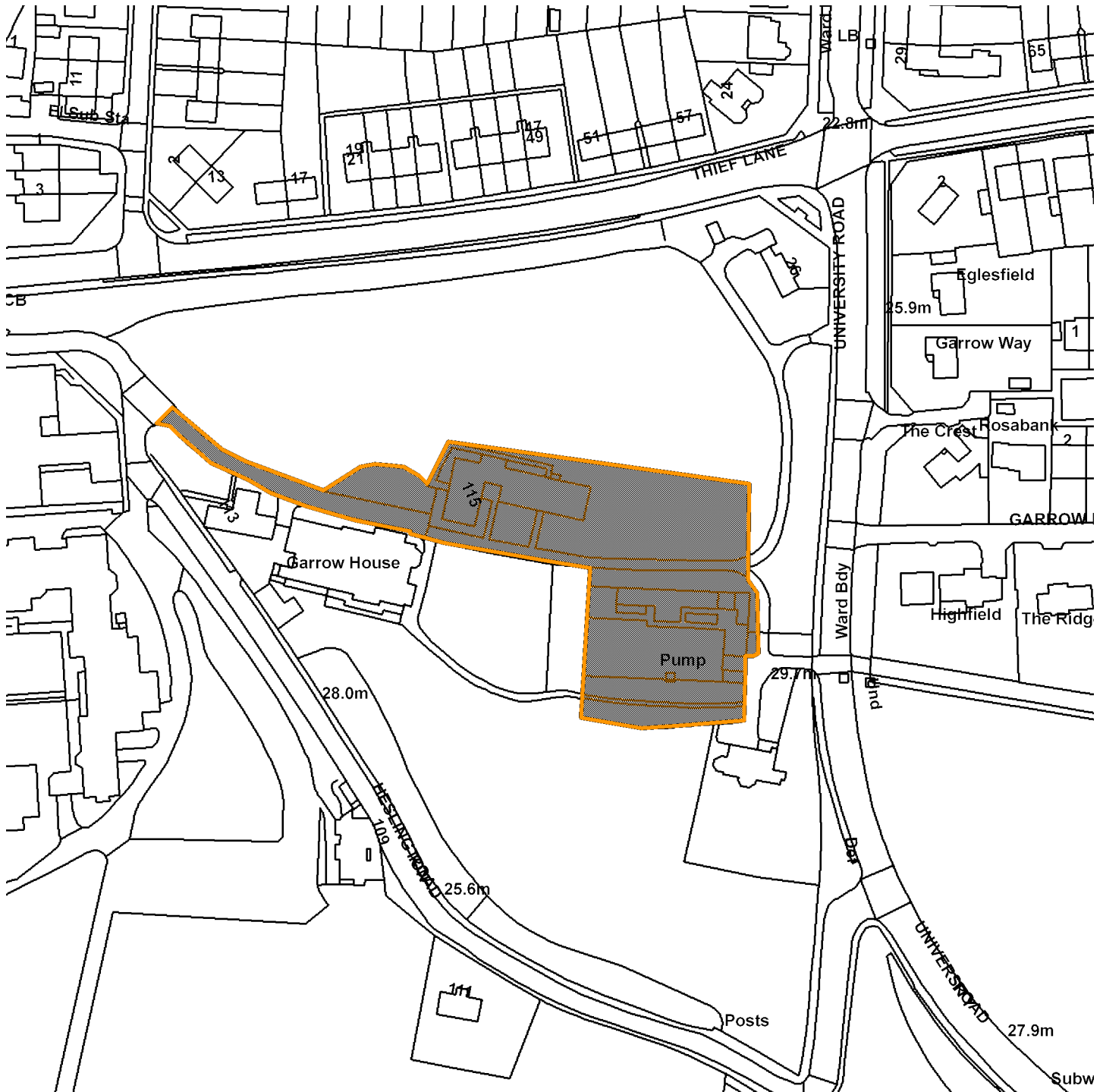
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15/00419/FUL

The Retreat. 107 Heslington Road



Scale : 1:1445

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 15/00420/LBC
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of patient day-care centre and associated landscaping within walled garden
By: Mr Robert Brownlow
Application Type: Listed Building Consent
Target Date: 21 August 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks listed building consent for the erection of a day care facility within, and attached to, a curtilage listed walled garden with the grounds of The Retreat, a grade II listed mental health care facility. The new patient day care facility would provide facilities for the treatment of patients with eating disorders.

1.2 The proposed works to the fabric of the walled garden include:

- removal of existing store and garage within the walled garden;
- bricking up of two existing openings in the east facing wall following removal of structures above;
- creation of an opening in the west facing wall to provide an entrance to the new facility;
- attachment of structural glass walling and glazed roof of the main day centre building to the inner face of the north facing wall;
- creation of new access door in south facing wall;
- attachment of new building kitchen and therapy room to outer face of south facing wall and attached boundary wall;
- making good of stone coping and re-pointing of walls.

1.3 The application is supported by a Heritage, Design, Access and Justification Statement and a Schedule of Repair Works. A planning application for the new build (ref. 15/00419/FUL) is also before the authority for determination.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

- Conservation Area GMS Constraints: Heslington Road

2.2 Policies:

i). National Planning Policy Framework (March 2012)

ii). 2005 Draft York Local Plan (4th set of changes) - Relevant policies include:

- CYHE4 – Listed buildings

iii). Draft York Local Plan (2014) Publication - Relevant policies include:

- D5 – Listed buildings

3.0 CONSULTATIONS

3.1 The application was publicised by the display of notices in the local press and on site. Notifications were sent to statutory consultees and surrounding residents. The consultation period expired on 16.6.2015. The following responses have been received.

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (Conservation)

3.2 The scheme in principle is supported and has been very clearly thought through, both in terms of functionality, and in its intention of enhancing the setting of both Garrow House and The Retreat, both grade II listed buildings. The proposals potentially sustain the future use of The Retreat in the use for which it was constructed, and in doing so preserve its significance.

SAFER YORK PARTNERSHIP (Neighbourhood Enforcement)

3.3 Draws attention to Section 34 of the Environmental Protection Act 1990, which places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. And that adequate arrangements are required for proper management and storage between collections.

3.4 States that the storage and collection arrangements for waste arising from this business must be considered at planning stage.

EXTERNAL

Third party comments

3.5 Response from a York resident who comments that it is important that the proposed development maintains this Listed Building's setting and that the building to be demolished has no architectural importance.

4.0 APPRAISAL

KEY ISSUES

4.1 The main consideration pursuant to the determination of this listed building consent application is:

- the impact on the special architectural and historic interest of the curtilage listed walled garden and the grade II listed buildings to which it relates.

POLICY CONTEXT

4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

4.3 Central Government guidance on dealing with the heritage environment is contained in chapter 12 of the National Planning Policy Framework (NPPF). It directs local planning authorities to give great weight to the conservation of the heritage asset and save for exceptional cases to refuse development that would lead to substantial harm or total loss. Where there is less than substantial harm, the decision maker is directed at paragraph 134 to weigh this against the public benefits of the proposal.

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policy is HE4, which are summarised in Section 2.2.

SITE AND PLANNING HISTORY

4.5 The application relates to a historic walled garden that lies within the grounds of a grade II listed mental health institution located to the south of Heslington Road within its own extensive grounds. The walled garden is situated to the east of the

main grade II listed Retreat hospital and grade II listed Garrow House. Whilst there is a lengthy planning history for the site, there are no consents relevant to the determination of this application.

IMPACT ON HERITAGE ASSETS

4.6 The starting point for the consideration of this application is Section 16 of the 1990 Act, which requires that special regard must be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest that they possess.

4.7 The legislative requirement of Section 16 is in addition to the government policy contained in Section 12 of the NPPF. Paragraph 126 of the NPPF requires heritage assets to be conserved in a manner appropriate to their significance. Significance is defined in the NPPF as the 'value of a heritage asset to this and future generations because of its heritage interest'. Paragraph 133 advises that any development that results in substantial harm to significance should be refused, unless it can be shown that the substantial harm or loss is necessary to achieve international public benefits. If there is less than substantial harm, paragraph 134 states that this should be weighed against the public benefits of the proposal. Paragraph 17 of the National Planning Guidance document that accompanies the NPPF gives advice on assessing 'substantial harm'. Policy HE4 reflects the duty in the 1990 Act and advice in the NPPF, in that it allows the grant of consent for internal alterations where there is no adverse effect on character, appearance or setting of the listed building.

4.8 The proposal involves works to a curtilage listed historic walled garden, including the creation and bricking up of openings and the attachment of two buildings to the fabric of the enclosure. The application is supported by a Heritage, Design, Access and Justification Statement that describes the historical development of the site and gives an assessment of significance. It explains that the walled garden is believed to have been installed in the mid to late nineteenth century and was utilised right throughout the twentieth century, falling out of use in the last 30-40 years. The application is also accompanied by a Schedule of Repair Works for the garden, which includes the removal of weed growth and detritus, re-pointing of the walls using NHL 3.5 Lime Mortar and reseating of coping stones allowing for 10 percent replacement with new matching stone. All infilling or openings would use reclaimed bricks.

4.9 Two buildings are proposed to be attached to the listed fabric of the walled garden. These have been designed to be subservient to the walled garden in order to retain its integrity as a historic feature when viewed from within and without. The primary day care building would be built away from the historic wall by approximately 2.8m and only attached to it by a glazed corridor. The smaller

building would be attached to the outer south facing wall of the garden. Further details of the method of attachment would be required.

4.10 On the basis of the information submitted, and subject to conditions to cover the detailed design, the proposal would not result in harm to the significance of this curtilage listed historic garden feature nor the grade II listed buildings that the walled garden is associated with. Regardless, there has been a clear and convincing justification for the need for the proposed facility in the planning statement submitted with the application and the public benefits it would offer. The Retreat provides a valuable mental health facility that serves the City and beyond and the building would provide an additional day care service for young adolescents with eating disorders as well as secure the continued existence and maintenance of the historical garden in the original and historic use of the site. Therefore, the proposal is considered to preserve the listed buildings, their setting and features of historic interest.

5.0 CONCLUSION

5.1 On the basis of the information submitted and subject to conditions covering the detailed design, the proposal would not cause harm to this curtilage listed building and the grade II listed buildings on site and is considered to be acceptable. The application for listed building consent is, therefore, recommended for approval as the proposal preserves the grade II listed building, its setting and its features of special architectural or historic interest, as required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and accords with national and local planning policies.

6.0 RECOMMENDATION: Approve

- 1 TIMEL2 Development start within 3 yrs (LBC/CAC)
- 2 PLANS Approved plans
- 3 VISQ2 Large scale details
- 4 VISQ7 Sample panel ext materials to be appr
- 5 VISQ8 Samples of exterior materials to be appr

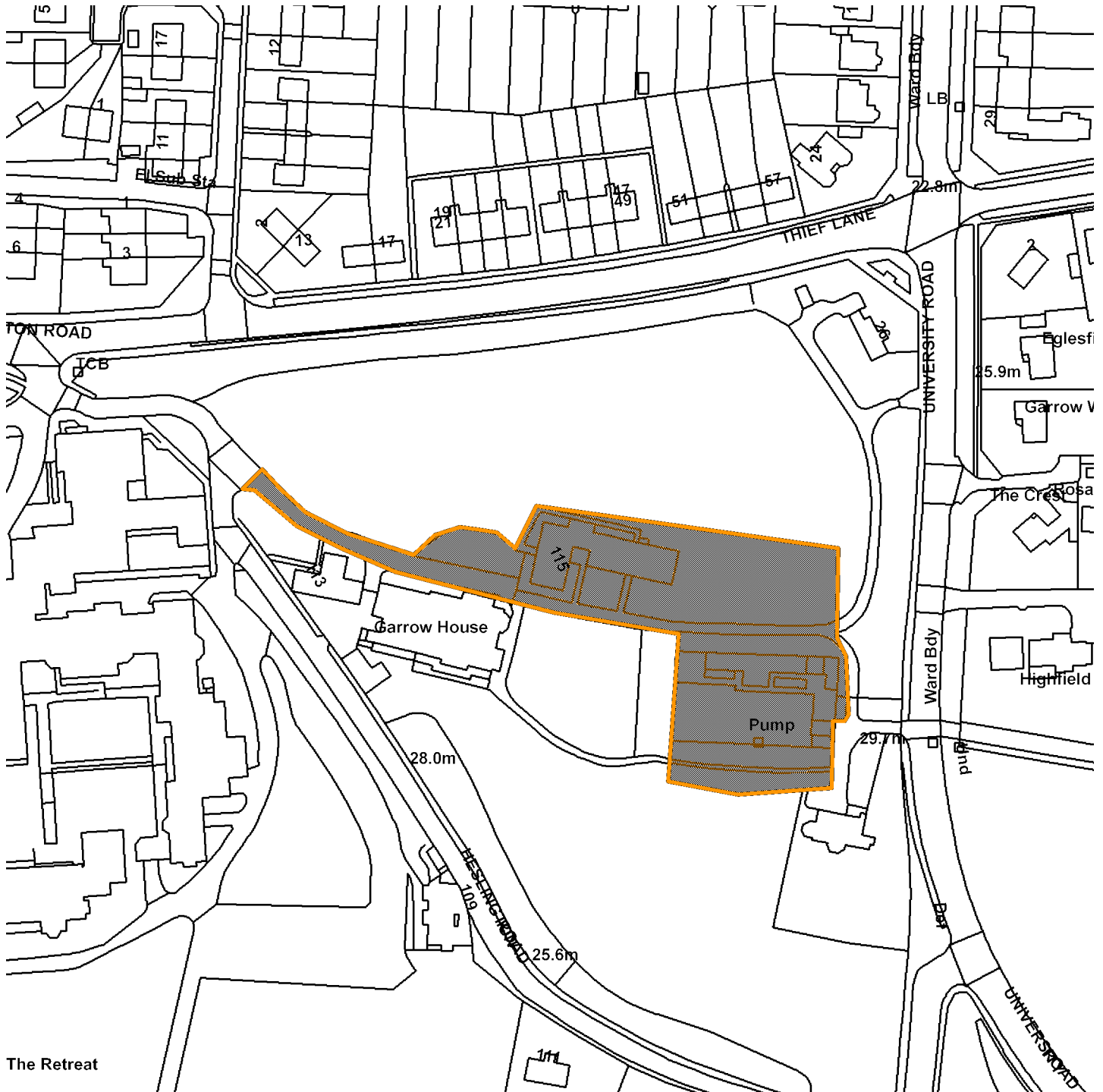
Contact details:

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15/00420/LBC

The Retreat. 107 Heslington Road



Scale : 1:1441

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Fishergate
Team: Major and Commercial Team **Parish:** Fishergate Planning
Panel

Reference: 15/00421/FUL
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of a patient accommodation block and day care centre with associated landscaping following demolition of the existing student accommodation building
By: Mr Robert Brownlow
Application Type: Full Application
Target Date: 21 August 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of a part two and part single storey building within the grounds of The Retreat mental health care facility, which lies to the south of Heslington Road. The proposal is part of a wider development to the north of, and within an existing walled garden, that would provide a care facility for young adolescents (aged 12-18) with eating disorders (see also related applications 15/00419/FUL and 15/00420/LBC).

1.2 The proposed building would be located to the east of the main grade II listed hospital buildings and to the north east of the grade II listed Garrow House. It would be situated immediately north of an historic walled garden, itself east of Garrow House, which has listed status by virtue of its age and location within the curtilage of the main listed buildings. The proposed building would replace, albeit on a different footprint, an existing two storey accommodation building, built circa 1970s, known as Catherine House.

1.3 The building would have an L-shaped plan, with the two storey element running north-south (parallel with Green Dykes Lane) and the single storey projection running east-west (parallel with Heslington Road). Its design is simple and modern incorporating a dual-pitched roof. It would be timber framed with external brickwork to walls and Westmorland roof slates. Windows and doors are to be painted timber. The block would accommodate a clinical/assessment room, office, communal dining facilities and activity rooms, 3 no. male bedrooms and 2 no. visitor bedrooms on the ground floor and further communal activity rooms and 9 no. female bedrooms on the first floor.

1.4 The application is supported by a planning statement, heritage and design statement, archaeological desk-based assessment report, bat survey, arboricultural

assessment and tree planting scheme, drainage strategy and geo-environmental desk study report.

1.5 Revised plans have been submitted to address concerns raised by officers as well as further documentation provided. The revisions include a re-positioning of the building north by approximately 2.5m and alterations to the external appearance of the building.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: The Retreat/Heslington Road

2.2 Policies:

i) Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

ii) National Planning Policy Framework (March 2012)

iii) 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGB1 - Development within the Green Belt
- CYGB10 – Major Developed Sites in the Green Belt
- CYHE2 - Development in historic locations
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYHE9 – Scheduled Ancient Monuments
- CYHE10 - Archaeology
- CYHE11 - Trees and landscape
- CYGP1 - Design

- CYGP3 - Planning against crime
- CYGP4A - Sustainability
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYC1 - Criteria for community facilities
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYT4 - Cycle parking standards

iv) Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York’s Green Belt
- D1 – Landscape and Setting
- D4 – Conservation Areas
- D5 – Listed Buildings
- D7 - Archaeology
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by the display of notices in the local press and on site. Notifications were sent to statutory consultees and surrounding residents. The consultation period expired on 10.12.2015. The following responses have been received.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.2 No objections as there will be little difference in the floorspace allocated to residential institution. The proposed access car parking and cycle parking remains unaltered. No conditions/informatives requested.

PLANNING AND ENVIRONMENTAL MANAGEMENT

(i) Countryside and Ecology

3.3 States the site lies within District Green Infrastructure Corridor 7 Tilmire, which has priorities for wildlife enhancement including neutral grassland, ponds, hedges and scrub. To the south of The Retreat is Walmgate Stray, which is recorded as a Site of Local Interest. The proposed development should not impact negatively on these.

3.4 An internal inspection of the existing building identified features suitable for roosting bats and recommended further survey which was undertaken in September 2014. Overall the buildings were assessed as having a low potential to support roosting bats and no bats were seen to emerge from the building during dusk emergence survey. It is considered that the development will not impact on roosting bats.

3.5 The mature horse chestnut (T32), which has been identified as having some potential for roosting bats, is to be retained. The area of land that will be built on is managed amenity grassland with low ecological interest. The area of the demolished block will be restored to amenity grassland.

3.6 There are opportunities for the development to enhance the site for bats through the new building.

(ii) Landscape

3.7 The large number of mature trees within The Retreat, play a key role in the attractive setting of the conservation area and The Retreat, as well as providing a number of health benefits. It is vital such trees should be retained and adequately protected through appropriate design. The large trees located around the outside of

the walled garden and adjacent to the existing student accommodation are subject to protection mechanisms by way of their location within the conservation area.

3.8 The proposed new tree planting is welcomed and is considered necessary to introduce the next generation of large-species trees, and to increase age and species diversity, and hence resilience to the potential effects of climate change. Nonetheless the proposed tree planting is not considered to be an alternative to providing adequate tree protection for the existing mature trees, which are category A. The location of the accommodation block avoids the root protection area (RPA) of the Horse chestnut (T32) and appears to create a reasonable association, and a more practical relationship, with the walled garden and at the same time offers more space and better views of the listed building. However, raises concern about the proximity of the southern arm of the proposed accommodation block to Beech T14 and the encroachment of its RPA. It is requested that this element of the design be revised to avoid disturbance from the development.

3.9 Following the submission of revised plans, showing the southern arm of the accommodation building being pulled back from the Beech tree by almost 2.5m the Landscape Architect seeks further confirmation from the arboriculture consultant that development operations would not result in long term harm to the Beech tree. In conclusion recommends condition regarding proposed tree planting (LAND1), but considers that the southern arm of the proposed accommodation block should be pulled out of the RPA of Beech T14 unless the arboriculture consultant can guarantee that feasible operations will not pose significant risk to the health and longevity of the adjacent trees.

(iii) Archaeology

3.10 It is normal practice in York to require pre-determination evaluation work on sites of archaeological interest. This practice is in line with the guidance in the NPPF and City of York emerging Local Plan. In exceptional circumstances, this requirement can be waived and a condition imposed to provide for and archaeological evaluation and any further archaeological work that might arise as a consequence.

3.11 The applicants have commissioned a desk-based assessment (DBA) that identifies the considerable archaeological significance and interest and acknowledges the direct impact and potential damage to undesignated heritage assets.

3.12 It is accepted that because of access problems, it is not possible to carry out a pre-determination archaeological evaluation of the walled garden site and notes comments made by the applicant that carrying out the evaluation in two phases would impose cost and efficiency penalties and cause disruption and disturbance around the student accommodation block. In these circumstances, it is accepted

that this evaluation can take place after approval. If evaluation indicates that there are archaeological features and deposits present on the site, then the evaluation trenches must be extended to cover the footprint of the new development so that all archaeological features and deposits can be recorded prior to construction commencing. Conditions are recommended.

(iv) Conservation

3.13 The scheme in principle is supported and has been very clearly thought through, both in terms of functionality, and in its intention of enhancing the setting of both Garrow House and The Retreat, both grade II listed buildings. The proposals potentially sustain the future use of The Retreat in the use for which it was constructed, and in doing so preserve its significance.

FLOOD RISK MANAGEMENT TEAM

3.14 The development is in low risk Flood Zone 1 and should not suffer from river flooding. Having assessed the further information within the Drainage Strategy dated October 2015 by Campbell Reith Consulting Engineers and onsite infiltration testing, the team has no objections to the development in principle but requests drainage conditions be applied to any approval.

ENVIRONMENTAL PROTECTION UNIT

3.15 No direct concerns raised about the proposals in terms of the suitability of the site for the proposed end use. Some concerns are raised over the potential for the proposals to affect existing amenity during construction and from plant during operation. Therefore, conditions and informatives are requested on these matters as well as in relation to contamination and air quality.

EXTERNAL

HISTORIC ENGLAND

3.16 Recommends that consent be granted subject to appropriate archaeological, arboricultural and materials conditions.

YORKSHIRE WATER

3.17 Requests conditions to cover foul and surface water drainage.

LOCAL COMMUNITY

3.18 No responses received.

4.0 APPRAISAL

4.1 The key issues pertinent to the determination of this application are:

- Principle of development;
- Green Belt policy;
- Impact on designated and non-designated heritage assets;
- Design considerations;
- impact on trees and ecology;
- Flood risk and drainage assessment;
- Access, parking and impact on highway safety;
- Effect on residential amenity;
- Contamination risks.

THE SITE AND HISTORY

4.2 The Retreat is a Grade II listed hospital located on the south side of Heslington Road. It is bounded by Heslington Road to the north, which then cuts through the site as a cycle/pedestrian route, Thief Lane to the north and University Road to the east. The hospital is situated within a parkland setting. In addition to the main hospital building, Garrow House and a summerhouse are also Grade II listed. There are various other ancillary structures and buildings of varying dates within the grounds. The site falls within The Retreat/Heslington Road Conservation Area (no.8). It sits between the City Centre Area of Archaeological Importance, which is adjacent to the east, and the Retreat Area of Archaeological Importance, centred around the site of Lamel Hill Battery to the west of the main hospital building. It lies within Flood Zone 1 (low probability). There are many mature trees within the parkland that are protected by the conservation status of the site.

4.3 There is a lengthy planning history for The Retreat site. The date of approval for the building to be replaced by the proposed accommodation block is unclear, but it dates to circa. 1970s. No other permissions or consents are relevant to the consideration of the application. The current application has been subject to lengthy pre-application discussions with officers for the proposed health care facility (14/00909/PREAPP).

POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt

and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.5 Central Government guidance is contained in the National Planning Policy Framework (“NPPF”, March 2012). Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design, protecting Green Belt and conserving heritage assets.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, that is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 9 ‘Protecting Green Belts’ says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.8 Section 10 ‘Meeting the challenge of climate change, flooding and coastal change’ offers advice on locating new development to avoid increased flood risk.

4.9 Section 11 ‘Conserving and enhancing the natural environment’ says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.10 Section 12 ‘Conserving and enhancing the historic environment’ requires local planning authorities to take account of the desirability of new development making a

positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.11 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are policies GP1, GB1, HE2, HE4 and HE10.

4.12 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

PRINCIPLE OF DEVELOPMENT

4.13 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The 2005 Draft Local Plan proposals map identifies the site within the general extent of Green Belt. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Furthermore, the location of the site within the grounds of three listed buildings and in a designated conservation area means that the usual presumption does not apply by virtue of footnote 9. Instead, the more restrictive policies in section 9 and 12 of the NPPF apply.

GREEN BELT POLICY

4.14 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 80 sets out the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and,
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.15 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt unless they fall within one of the exceptions listed. One such exception is the replacement of an existing building with a new building in the same use and not materially larger than the one it replaces. The existing and proposed buildings, as residential accommodation associated with an institution, would fall within use class C2. The proposed building would be of a similar footprint and overall mass to that it replaces. On this basis, the proposal is considered to be appropriate development in the Green Belt.

HERITAGE ASSETS

4.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.17 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's

conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application. Draft Local Plan policies HE2, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.18 The application site lies within the setting of grade II listed buildings, The Retreat and Garrow House. It falls within the designated Retreat/Heslington Road Conservation Area, which was designated in 1975. Its description explains that the land occupies high ground to the south of the City and commands views northwards across the city and southwards over Walmgate Stray towards Fulford. The character of the conservation area results from 'an institutional use set in parkland surrounded by obscuring walls but with views out'. The conservation area includes Lamel Hill, a large mound raised during the Civil as part of works that encircled York and an extensive late Roman or Anglian cemetery. As a result of its historic significance, the mound is a Scheduled Ancient Monument that has been designated an area of archaeological importance. The City Centre Area of Archaeological Importance lies to the east of the site and focuses on Green Dykes Lane/University Road and the land either side of it.

4.19 The application building would replace an existing two storey building that is of little architectural or historical merit with another of similar scale, mass and design. However, the building would be positioned east of the existing building, closer to University Road, and, as a result, further away from the listed Garrow House. The proposed building has been designed with the two storey element positioned furthest away from Garrow House and the nearest element being single storey. It would continue to be subservient to Garrow House and adopts a simple design approach that would not compete or detract from the special interest of the listed buildings. The re-siting of the replacement building would open up views of the grade II listed building from the north, thereby, enhancing its setting.

4.20 Whilst closer to the site boundaries with University Road, and Thief Lane to a lesser extent, there would still be a distance of over 50m to the boundary with Thief Lane and 31m to that with University Road. Furthermore, the building would be largely screened by the existing trees and vegetation along the site's boundary with University Road and read in the context of the walled garden, to which it would be linked operationally, and Tuke House. There would continue to be a stand-alone building of modern appearance to the east of the site. The proposed development would, therefore, retain the value of the site as a mental health hospital within a parkland setting, which is cited in the conservation area description as the main element of the conservation area's character. The use of bricks (subject to further approval) and Westmorland slates for the roof, which is a characteristic material in the conservation area, would provide a visual link between the new building and the

older ones. The proposed building would potentially impact a mature Beech tree (T14) due to its encroachment into the tree's root protection area (RPA). The loss of this tree would have an adverse impact on the historic setting. The Council's Landscape Architect has requested further reassurance that the tree would not be put at risk or the building be moved outside of the RPA. This matter is dealt with at 4.29 below and an update will be provided at Committee.

4.21 The location of the proposal within the site would not impact on the Scheduled Ancient Monument or the Area of Archaeological Importance centred around it. The applicant has submitted a desk-based assessment that highlights that the site is of considerable archaeological potential as it appears to have been part of an important Anglo-Saxon landscape with definite and potential burial mounds and cemeteries and a 6th century settlement within 400m. It considers that the proposal would potentially impact on these remains and there is a high likelihood that the extant remains of the 19th century gardening and leisure buildings would be impacted.

4.22 The City Archaeologist did ask at pre-application stage for an archaeological evaluation to be carried out before submission of the application. However, following further discussion, he agreed that the application could be approved subject to conditions. As such, and in line with advice in paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, conditions relating to archaeological evaluation have been requested by the City Archaeologist.

4.23 In light of the above, the proposal would not result in harm to the significance of the grade II listed buildings on site, particularly Garrow House, nor that of the conservation area. Indeed, the proposal would preserve the setting of the listed building, as required by section 66(1) of the 1990 Act, and in doing so would preserve the character and appearance of the conservation area, as required by section 72(1) of the Act. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions.

DESIGN

4.24 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para. 63). At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in chapter 7 is replicated in Draft Local Plan policies

GP1 (Design) and GP9 (Landscaping) and these policies, therefore, accord with the NPPF. In particular, Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.25 A simple design approach has been adopted for the replacement building, which offers an understated facade to its north facing elevation, in order that it does not compete with or detract from the setting of the grade II listed Garrow House. Its scale and mass would be subservient to the listed building. The building would have an L-shape footprint that is orientated towards the walled garden thereby allowing a connection between these two elements of the proposed facility. The building would enclose an area between the building and the existing walled garden. The main entrance would be accessed via this garden space and is proposed on the south-facing elevation to provide a visual link to the associated day centre accommodation proposed within the walled garden. The inner elevations of the building are more decorative than the outer elevations and incorporate roof glazing, timber clad panels and timber brise-soleil over windows. The external materials, particularly the Westmorland roof slates, are appropriate to the setting of the building. Windows and doors are to be painted timber. The planning statement refers to the promotion of high levels of sustainability by using locally sourced reclaimed bricks and high quality insulation and glazing to control the temperature of the building along with brise-soleil on south facing windows to manage solar gain. A condition requiring material samples should be imposed if the application is approved. Further details of hard and soft landscaping to the gardens and around the building should also be covered by condition.

4.26 On the basis of the above, the proposal would respect the local environment and would accord with the aims of the NPPF to achieve high quality and inclusive design.

TREES AND ECOLOGY

4.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. Policies NE1 and NE6 of the Draft Local Plan reflects this advice in relation to trees and protected species.

4.28 There are no such designated sites within the vicinity of the site that would be adversely affected. The proposal would not impact negatively on Walmgate Stray, a Site of Local Interest. A bat survey was undertaken of the existing building and surrounding trees. The building was assessed as having a low potential to support

roosting bats and no bats were identified during the survey. As a result the proposed development would not impact on roosting bats. The building would be erected on an area of low value amenity grassland, which would be replaced on the site of the demolished accommodation block.

4.29 The site is characterised by large mature trees, particularly around the walled garden and adjacent to the site boundary with University Road. A tree survey and arboricultural implications assessment has been submitted in support of the application. Concern has been raised by the Council's Landscape Architect about the impact of the proposed building on the root protection area of a mature Beech tree (identified as T14 in the survey). Although the building has been re-sited further north, by approximately 2.5m, to address this concern, the Landscape Architect still raises concern about the impact that development operations, including foundations and utilities, would result in long term harm to the tree. It is requested that the southern arm of the proposed accommodation block be pulled out of the RPA of the tree unless the arboricultural consultant can guarantee that feasible operations will not pose significant risk to the health and longevity of the adjacent trees. A response is awaited from the applicant at the time of writing and Members will be updated at the Committee meeting on this point.

FLOOD RISK

4.30 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.31 The site lies within low risk flood zone 1 and should not suffer from river flooding. Foul water would be discharged to the existing sewers that serve the site. A drainage strategy has been submitted to support the application. It explains that following an infiltration test, topographic site survey and site walkover, it is proposed that surface water run-off from the site would be discharged to the existing sewer outfall, controlled so as not to exceed run-off rates agreed with the Council's Flood Risk Engineer and Yorkshire Water. The Council's Flood Risk Engineer has assessed the submitted drainage strategy and is satisfied in principle subject to detailed drainage information being submitted for approval prior to development commencing.

HIGHWAY SAFETY

4.32 The NPPF encourages sustainable travel and siting development in sustainable and accessible locations. The proposal involves the provision of additional mental health services and facilities in connection with an existing and long established mental health hospital that is close to the City Centre and accessible by public transport and other non-car modes of travel. The building

would be served from the existing site entrance with the public highway on Heslington Road and there is existing car and cycle parking facilities that serve the hospital including the accommodation block that is to be demolished to make way for the proposal building. As such, there are no objections raised on highway grounds.

AMENITY

4.33 One of the core principles of planning outlines in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.34 The Environmental Protection Unit has raised concerns about the impact on amenity during construction and from plant and have requested conditions and informatives be imposed on any approval to address this. A further condition is recommended in the event that contamination is found during construction works.

4.35 The houses on University Road and Thief Lane are at a sufficient distance from the proposed building and, therefore, there would be no detrimental impact on residential amenity from overlooking, overshadowing or over-dominance. The proposed building would be located further away from Garrow House, whose occupants would be less affected than occupation of the current accommodation block. The layout of the new building and its inclusion of indoor communal space and outside private seating areas would benefit future occupants of building.

5.0 CONCLUSION

5.1 The application proposes the construction of a replacement building of the same use and similar in its scale and mass to the existing vacant building. As such, the proposal constitutes development that is not inappropriate development according to Green Belt policy. It is officer's opinion that the proposed development would not cause harm to the significance of the identified heritage assets, being the setting of the grade II listed buildings, the character and appearance of the conservation area or the scheduled ancient monument. Conditions can be imposed to mitigate any harm to non-designated archaeological deposits and features. Further conditions are required to address materials, landscaping, tree protection, drainage, contamination, disturbance during development.

5.2 Subject to the above, the proposal is considered to comply with national and local planning policies and is recommended for approval.

6.0 RECOMMENDATION: Approve

1. TIME2 Development start within three years
2. PLANS Approved plans
3. No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence of significance of archaeological features and deposits and enclosure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

4. If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

5. LAND1 New landscape details
6. VISQ2 Large scale details

7. VISQ7 Sample panel ext materials to be approved
8. VISQ8 Samples of exterior materials to be app
9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

10. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The details shall be in accordance with the Drainage Strategy dated October 2015 by Campbell Reith Consulting engineers.

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

11. 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.

12. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage

13. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme.

Reason: To protect the amenity of local residents.

14. NOISE7 Restricted hours of construction
15. Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval prior to coming into use. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant and 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 amenities of adjacent residents.

16. In the event that contamination is found at any time when carrying out the approved development, 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.

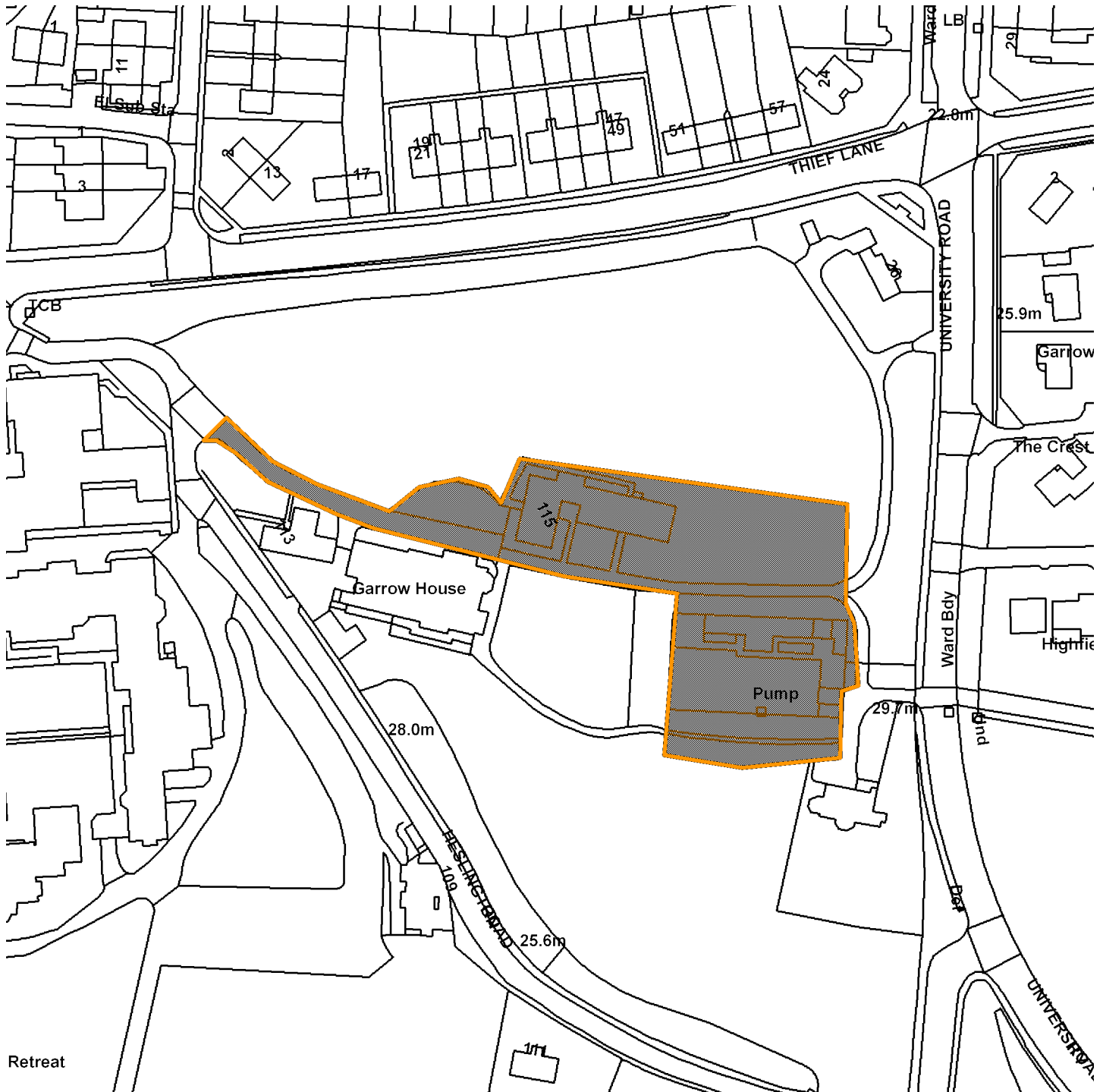
Contact details:

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15/00421/FUL

The Retreat. 107 Heslington Road



Scale : 1:1340

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Heworth Without
Team: Major and **Parish:** Heworth Without Parish
Commercial Council

Reference: 15/02071/FUL
Application at: Land To The Rear Of York Caravan Park Stockton Lane York
For: Erection of 3 metre high earth bund with 7 metre wide base
By: Mr Richard Wilson
Application Type: Full Application
Target Date: 25 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 This is a full application for the placing of an earth bund on land to the north of York Caravan Park, Stockton Lane, York.

1.2 The site is part of a field located to the north west of York Caravan Park and within the same ownership. It is bounded to its north side by Monk Stray beyond which is Malton Road. To the western and eastern sides are agricultural fields; to the south is the existing caravan park and adjacent residential property, Orchard House. The whole field extends to approximately 2.5Ha; the area of the earth bund takes an area of the field of approximately 0.14 ha.

1.3 The proposal is to access the field via the caravan park across the Old Foss Beck and along the eastern side of the site to construct an earth bund, 7 metres wide at its base, to a height of 3 metres, along the north/north-western and western boundaries of the site. The bund is to be constructed of subsoil with a top soil and grass covering. The applicant indicates that the bund is required to reduce the sound levels from Monks Cross Retail Park.

PLANNING HISTORY

1.4 Access to construct the site is via York Caravan Park which is within the same ownership and the access through the Park forms part of the application area. The following history relates to the Caravan Park; none of the history relates to the field in which it is proposed to construct the bund. Reference is made to the caravan park in the letters of objection:

- 03/03529/OUT - Touring Caravan site for 135 pitches on 3.9ha of land withdrawn following concerns over the effect of the development on the Green Belt and on drainage/flood risk issues

- 04/03206/OUT - Touring caravan site and ancillary outbuilding and 04/012888/FUL. Conversion of agricultural building to caravan storage and rebuilding a former dwelling as a security/reception building. These two applications were WITHDRAWN following concerns over the effect of the development on the Green Belt, the amount of landscaping required to screen the development, lack of information on foul drainage.
- 05/01395/FUL - Touring caravan site for 20 pitches and the use of existing buildings for the storage of caravans was granted in 2005
- 07/02755/FUL - Provision of 20 hardstandings for the 20 pitches approved in 2005 was granted in January 2008
- 08/02729/FUL - Extension to existing Caravan Park to provide an additional 20 touring caravan pitches was withdrawn by the applicant in January 2009
- 09/01271/FUL - Extension to existing caravan park to provide an additional 20 touring caravan pitches refused in 2009 and subsequently allowed on appeal February 2010
- 10/02848/FUL - Replacement toilet and shower block and alterations to vehicular entrance granted in March 2011
- 12/03524/FUL - Additional 10 camping pitches granted in January 2013
- 14/00464/FUL - Increase in the number of pitches from 50 to 55 and the provision of all weather surfacing was granted in April 2014.
- 15/02372/FULM; 15/02371/FUL; 15/02369/FULM; 15/02370/FULM - Permission was granted in December 2015 to extend the opening hours of the caravan park. The extension allows the site to open between the 15th March and the 10th January (previously 6th November).

2.0 POLICY CONTEXT

Please see section 4 of this report.

3.0 CONSULTATIONS

INTERNAL

3.1 PUBLIC PROTECTION - The earth bund is unlikely to protect the caravan park from noise on Malton Road. Would like to know what the source of the materials to

construct the bund will be to ensure the material is not coming from a contaminated source.

3.2 ENVIRONMENTAL MANAGEMENT - ECOLOGY AND COUNTRYSIDE - The construction of a new bridge across the Old Foss Beck could impact on voles. The hedge along the north western side of the site could be affected by the bund. The bund may also impact on the wild life value of the oak tree on the northern boundary. Insufficient information has been provided about the potential impact of the proposed bund on protected species.

3.3 ENVIRONMENTAL MANAGEMENT - LANDSCAPE - The proposed mounding is not in keeping with the landscape quality and landscape character of the vicinity, and would be detrimental to the open character of the Green Belt.

EXTERNAL

3.4 HEWORTH WITHOUT PARISH COUNCIL - Originally raised no objections to the proposal however having understood that the bund is considered to serve no acoustic purpose the Parish Council would now like to see the application rejected.

3.5 FOSS INTERNAL DRAINAGE BOARD - Insufficient information has been provided by the developer in order for the Board to determine the potential impact that proposals may have on existing drainage systems or existing access arrangements.

3.6 Two letters of objection have been received covering the following points:-

- There is no problem with noise from Malton Road - there is no reason for the bund to be constructed.
- There would be serious environmental issues caused by the bund construction; the water table in the area; drainage to surrounding land; affect on ancient hedges
- Concerned about the impact of the bund on the Green Belt land behind and surrounding Orchard House.
- The construction of the bund will make standing water on adjacent land worse
- The bund would detract from the appearance of the Stray
- Wildlife would be affected
- If decent trees were planted a bund would not be needed for the caravan site
- The bund is not necessary

4.0 APPRAISAL

4.1 Key Issues:-

- Planning policy
- Green Belt
- Access
- Ecology
- Drainage

PLANNING POLICY

4.2 The site is located within the general extent of the Green Belt on the north side of York.

National Planning Policy Framework

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.4 One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities (Paragraph 17).

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). An engineering operation is not inappropriate development provided the openness of the Green Belt is preserved and proposals do not conflict with the purposes of including land in the Green Belt (paragraph 90).

4.7 Section 11 of the NPPF aims to conserve and enhance the natural environment and requires the planning system to contribute by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (Para 109). Paragraph 118 requires that in considering planning applications the aim should be to conserve and enhance biodiversity.

4.8 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Development Plan

4.9 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.10 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.11 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; NE1: Trees Woodlands and Hedgerows, GB1 'Development in the Green Belt'

4.12 Policy GB1 says that planning permission for development will only be granted where development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and development would not prejudice the setting and special character of York.

4.13 Policy NE1 seeks to refuse development that causes loss or damage to hedgerows

Emerging Local Plan

4.14 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.15 In February 2003, the Council published a 'Green Belt Appraisal' which was produced as supporting evidence to the emerging City of York Local Plan. It sought to identify those areas within York's Draft Green Belt which were key to the City's historic character and setting. The appraisal says that the most important purpose of York's Green Belt is to preserve the setting and special character of the historic city of York. It shows that the site lies in one of a series of relatively flat tracts of undeveloped land that extend from the countryside into the city, and provide extensive views towards the historic core, notably the Minster (these are called 'Green Wedges' in the document).

4.16 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

GREEN BELT

4.17 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.18 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations

4.19 Paragraph 90 of the NPPF advises that engineering operations in the Green Belt are not inappropriate development provided openness is preserved and there is no conflict with the purposes of including land in the Green Belt.

Openness and Purposes of Green Belt

4.20 Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The proposed bund will be visible above the hedged site boundary and from adjacent sites including Monks Stray. Although ultimately the bund will be grassed its height and position will introduce a substantial visual element into the landscape that will be prominent because of its contrast with the surrounding generally flat landscape (although it is acknowledged that there is some rise in land levels between the caravan site and the site where the bund is to be placed). The introduction of the bund along the northern and western boundaries of the field is considered to impact on openness because of its height, its visibility in the landscape and the visual barrier created between fields.

4.21 Paragraph 80 of the NPPF sets out the purposes of Green Belt. These include, amongst others, to check the unrestricted sprawl of large built up area; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The creation of a bund which would act as a visual barrier between fields would introduce an inappropriate sense of enclosure between sites. The change to the land would not directly impinge on views through to the Minster but would nevertheless change the setting in which views through to the City are experienced. It is considered that the size and siting of the bund would be detrimental to the setting of the city and would therefore bring some conflict with the purposes of Green Belt.

4.22 In Officers' opinion the bund will reduce openness and adversely affect [at least] one of the purposes of Green Belt and therefore, in accordance with paragraph 90 of the NPPF, is inappropriate development in the Green Belt.

4.23 Paragraph 87 says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 88 says that substantial weight should be given to harm and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Whether there are such other considerations which amount to 'very special circumstances' is assessed below at paragraph 4.32 and 4.33 below.

Character and Appearance of the Area

4.24 The application site consists of a single field that is grassland pasture. Its eastern boundary is marked by an incomplete native hedge. The field is not completely flat; it is slightly undulating as a shallow dip falls towards Old Foss Beck, which forms the southern boundary of the site (and the northern boundary of the adjacent caravan park).

4.25 There is some young mixed tree planting, largely evergreen, along the north and west boundary of the field (between approximately 3-5m in width) which appears to be establishing well; these trees are planted in front of the native hedgerows forming the original field boundaries. The nature of the planting is not entirely in keeping with the landscape character of the area, due to the high evergreen content, in particular the inclusion of conifers in the mix.

4.26 To introduce a steep, engineered, tight bund around the field, would introduce a man-made feature that would be out of character with the natural landscape form. The site immediately abuts Monk stry and its boundary is close to Malton Road, the proximity of which is noticeable from within the application site by way of moving traffic.

4.27 In order to instate the bund in the locations shown on the proposed site plans, the bunding would cover the area currently occupied by the young tree planting. Thus, either the tree planting would have to be removed, or the earthworks would suffocate the trees which would then fail, or the drawings are incorrect and the intention is to build a mound in front of the planting. Either way the proposed earth bund is out of character with the locality and would have a detrimental impact on the quality of the landscape.

4.28 The introduction of the bund would be incompatible with the surrounding topography and detrimental to the area's rural landscape character. Officers are also concerned that the position of the bund will be detrimental to the openness and setting of the Monk Stray As a result there would be harm to the character and appearance of the area. This would be contrary to the core planning principle of the NPPF of recognising the intrinsic character and beauty of the countryside (paragraph 17) and GP1 of the DCLP which similarly expects proposals to respect or enhance the local environment.

ACCESS

4.29 The proposal is to construct the earth bund by accessing the site through the caravan park, over the Old Foss beck and along the eastern boundary of the site. There is no detail within the application of the amount of material needed to create the bund or of the numbers of lorry loads of materials that would need to be brought to site. There is also no indication of how the access would bridge the Old Foss Beck. The principle of accessing the site through the caravan site is likely to be acceptable because the access to Stockton lane is well constructed and able to take larger vehicles for a temporary period. However without full details of the traffic movements and construction implications for the access across the Beck and to support the weight of lorries along the eastern side of the field the full implications of transporting materials to the site can not be assessed.

ECOLOGY

4.30 Paragraph 109 of the NPPF acknowledges that the planning system should contribute to and enhance the natural and local environment. Paragraph 118 says that local planning authorities should aim to conserve and enhance biodiversity. The Ecology and Countryside Officer has raised concerns that there is not sufficient assessment within the application about the impact of the development on protected species (Voles, Greater Crested Newts, and Bats) or sufficiently detailed plans to establish the exact location of the earth bund and its impact on the existing boundary hedges. Without additional information the impact on protected species can not be assessed.

DRAINAGE

4.31 The earth bund is to be located in the part of the site that is within flood zone 1. The point where the access route crosses the Old Foss Beck is located within Flood Zone 3. The Foss Internal Drainage Board (IDB) say that there is not sufficient detail within the application to assess whether the access over the beck and the design of the bund will have any impact on drainage of the site and adjacent land or to be satisfied that maintenance of the beck by the IDB is not inhibited by the proximity of the development to it.

OTHER CONSIDERATIONS - VERY SPECIAL CIRCUMSTANCES

4.32 The applicant says that the earth bund is needed to provide noise attenuation for the adjacent caravan site. With this in mind Officers have consulted colleagues in Environmental Protection on the noise attenuation potential of the proposed bund. Environmental Protection say that 'the bund it is to be located at least 150m away from the current boundary of the caravan park and 200m from Malton Road. From an acoustic perspective this is unlikely to have much sound reduction, other than any potential psychosomatic effect, as the increase in distance provided by the barrier from the noise source on Malton Road to the received at the caravan park would be minimal as the path distance increase provided by the 3 metre high bund would only be a few centimetres. Normally barriers are either placed adjacent to the noise source or as near as possible to the receiver. In such situations the acoustic attenuation increases'. As the barrier would serve no acoustic purpose the noise attenuation of the bund can not constitute 'very special circumstances' that would outweigh harm to the Green Belt and any other harm.

4.33 Harm has been identified to the openness and purposes of the Green Belt, to the character and appearance of the area and insufficient information has been submitted to show that there will be no harm to protected species and no adverse drainage impacts.

5.0 CONCLUSION

5.1 The application site, land to the rear of York Caravan Park, Stockton Lane, is considered to be within the general extent of the Green Belt as defined in the RSS. The erection of an earth bund on the site is considered to be inappropriate development in the context of section 9, paragraph 90 of the NPPF.

5.2 The NPPF confirms at paragraph 87 that inappropriate development is by definition harmful to the Green Belt. Paragraph 88 says substantial weight would need to be given to harm by reason of inappropriateness and any other harm. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.3 In officers' opinion the very special circumstances put forward by the applicant, that the bund will protect the caravan park from noise from Monks Cross, is not substantiated by Public Protection and does not constitute sufficient other considerations to outweigh the harm by reason of inappropriateness and other harm (that is harm to the purposes of Green Belt, openness, the character and appearance of the area and harm arising from insufficient information regarding ecological and drainage impacts of the development) identified in this report. As advised by paragraph 87 and 88 of the NPPF development that is harmful to the Green Belt for which there are no very special circumstance should not be approved.

5.4 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the scheme would provide adequate safeguards for protected species, access to the Old Foss Beck for the Internal Drainage Board and to show that the design of the bund would not have an impact on drainage of the site and adjacent land.

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is identified as Green Belt in the City of York Development Control Local Plan (Approved April 2005). It is considered that the proposed development constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework which is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt, character and appearance of the area, ecology and drainage. The proposal is therefore considered contrary to advice within the National Planning Policy

Framework, in particular section 9 'Protecting Green Belt land', and Policy GB1 of the City of York Development Control Local Plan (Approved April 2005).

2 Insufficient information has been submitted with the application for the Local Planning Authority to be satisfied that the proposed earth bund can be satisfactorily accommodated within the site without detriment to protected species (Voles, Greater Crested Newts and Bats), without detriment to the drainage of the area and to be satisfied that maintenance of Old Foss Beck by the Internal Drainage Board is not inhibited by the proximity of the development to it. Without additional information the Local Planning Authority is not satisfied that the development complies with the requirements of paragraphs 17, 100, 109 and 118 of the National Planning Policy Framework.

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 an attempt to achieve a positive outcome:

Informed the agent of the concerns about the proposal in this Green belt location.

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Diane Cragg Development Management Officer (Mon/Tues/Wed/Thurs)

Tel No: 01904 551351

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15/02071/FUL

York Caravan Park Storage Stockton Lane



Scale : 1:2680

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/02440/FULM
Application at: St Lawrence Working Mens' Club 29-33 Lawrence Street York YO10 3BP
For: Change of use of 29-31 Lawrence Street and 37 Lawrence Street to student residential accommodation with associated demolitions and alterations and part two/part three storey block to rear (with accommodation in roof) (use class C2)
By: Mr Chris Hale
Application Type: Major Full Application (13 weeks)
Target Date: 26 January 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former WMC at 29 and 31 Lawrence Street and its curtilage which extends back to Brinkworth Terrace, the Tam O'Shanter Public House at 37 and the land behind the pub and the takeaway at 35.

1.2 Also within the block between Leake Street and James Street are the replacement WMC at 27, which has flats above, a takeaway between the former WMC and the pub, an end terraced house at 39 and a two storey commercial, warehouse type building behind. To the north James Street has an industrial character and there is a late C20 block of part 3, part 4 storey apartments to the north-west of the site.

1.3 The former WMC is a late C18 house with early and mid-C19 wings. It has aesthetic and historical value and is listed at Grade II. It has historical value for its association with Samuel Tuke, the noted local Quaker and mental health reformer, who bought the property in 1822. Between around 1870 and the end of the C19 the house was used as a Private Lunatic Asylum. The building became the WMC around 1900. There was significant alteration in the C20 including the concert room added at the rear, removal of the main staircase and alterations to the plan form at first floor level to create the billiard room. The Tam O'Shanter dates from the C18 and is designated as a building of merit in the Central Historic Core Conservation Area Appraisal (character area 17).

1.4 The application is to have student accommodation on site. The development would have 114 student rooms. The intent is that access is via the covered way between the takeaway and the pub. The access would be supervised and gated. There would be demolition at the former WMC to restore it to its previous domestic form; leaving the C18 house and its side wings which were added in the C19. There would be a new L-shaped wing behind, which would be 3-storey, with a 4th floor in the roof. The new wing would step down in height and connect into the Tam O'Shanter building. Vehicle entrance would remain at the side of the former WMC, this would be for servicing and for 2 disabled parking spaces only.

1.5 There are also works proposed to the highway in front of the building; to widen the footpath, in particular at the junction with Leake Street and reconfigure the parking spaces which are currently of inadequate width.

1.6 The applicants undertook a public consultation exercise. All public feedback was positive. A statement of community involvement detailing the consultation has been submitted with the application.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:
Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2; 29-31 Lawrence Street York 0039

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes approved for Development Management purposes in April 2005

Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include:-

CYED10	Student Housing
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYHE10	Archaeology
CYT4	Cycle parking standards

2.3 Draft York Local Plan (2014) Publication Draft

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant draft policies include;

SD1	Sustainable Development
H1	Scale of Housing Growth
ACHM1	Balancing the Housing Market
ACHM5	Student Housing
DH1	Design & Historic Development
DHE2	Heritage Assets
DHE5	Streets & Spaces
DHE6	Conservation Areas
DHE7	Listed Buildings

2.4 NPPF key relevant policies:-

Section 6 Delivering a wide choice of high quality homes

Section 12 Conserving and enhancing the historic environment

3.0 CONSULTATIONS

PLANNING AND ENVIRONMENTAL MANAGEMENT

Archaeology

3.1 The archaeological evaluation undertaken by the applicants to date confirmed the presence of archaeological deposits and features on the site. Natural deposits were shown to lie at a depth of approximately 2m below the modern ground surface. These features were dated to the medieval period, but also contained pottery of Roman and Anglo-Scandinavian date, suggesting that earlier features are likely to be present on-site.

3.2 The confirmation of archaeological deposits on site requires a condition to agree the foundation design and ensure adequate protection of archaeology. A watching brief is recommended on groundworks. It is also recommended that a level 3 archaeological building recording to take place prior to demolition/alterations.

Conservation Architect

3.3 Comments are reported in the companion Listed Building Consent application.

PUBLIC PROTECTION

Noise

3.4 The existing environment includes a number of different noise sources including traffic noise, on Lawrence Street and James Street, industrial noises from the nearby vehicle repair business and ATS tyres, and noise from the extraction fans associated with the Chinese takeaway located in the middle of the site. In addition there is the potential for noise associated with night time activities and students returning to their properties as they walk along Lawrence Street. The submitted noise assessment has indicated that the requirements of BS8233 and the World Health Organisation guidelines can be achieved subject to the provision of suitable glazing as specified within the report.

Construction Management

3.5 A Construction Environmental Management Plan (CEMP) is recommended, for minimising the creation of noise, vibration and dust and protecting residential amenity. It is recommended also construction is only during normal working hours (and not on Sundays).

Air Quality and Emissions

3.6 The site falls within the boundary of the Air Quality Management Area (AQMA). Monitoring of air quality directly outside the proposed development, to the Lawrence Street facade, has indicated that levels of nitrogen dioxide have been below the health based objective in recent years. The rooms fronting Lawrence Street in the Tam O'Shanter building are proposed to have a supply and extract ventilation system, incorporating heat recovery. This will ensure that such rooms can be adequately ventilated, without relying on opening windows, should air quality in this area deteriorate in the future. Officers welcome this precaution.

Contaminated Land

3.7 A Phase 1 Desk Study Report and a Geo-environmental Report were submitted with this planning application. Soil sampling was undertaken and elevated levels of lead, polycyclic aromatic hydrocarbons (PAHs) and asbestos were detected at the site. Elevated levels of ground gas were also found to be present.

3.8 Remedial work is required to prevent future residents from coming into contact with this contamination. The reports advise that landscaped areas will be remediated either by source removal or by the installation of a clean capping layer. It is also proposed to install gas protection measures into buildings. The contaminated land reports are acceptable, but we will require further details of the proposed remedial works in due course. This can be dealt with via a planning condition.

HIGHWAY NETWORK MANAGEMENT

3.9 Officer comment was as follows -

- The current footway is tight and in line with developments across the road, it should be increased to facilitate the extra activity proposed at this site. Widening the footway would also allow cars to park parallel to the kerb which would prevent encroachment on to the footway of parked cars and safer than the existing arrangement.
- Officers have asked for 50% cycle parking provision.
- Whether the bin storage would be adequate has been queried.

HISTORIC ENGLAND

3.10 The scheme is supported in principle. It accords with planning policy in that the proposed repair of the listed building will restore the aesthetic value of this important but derelict landmark building (which is identified as being at risk) within the conservation area, so that it may once again make a strongly positive aesthetic contribution and enhance the setting of the conservation area and the scheduled monument of St Lawrence's Church and associated burial ground.

3.11 Officers suggested an amendment to the proposed entrance portico. The proposed columns appear spindly and the frieze below the cornice may be too narrow. It was suggested that the portico is re-designed so that the proportions, detailing and materials reflect as accurately as possible its likely original form using existing fabric evidence, surviving photographic evidence and if necessary by a study of other similar examples from this period. The original pilasters and the arched entrance doorway should be retained if possible, along with the door itself, which appears to be original. The front boundary railings should be subject to approval by the Local Planning Authority.

3.12 HE welcomes the reinstatement of many of the internal walls inside this historic building in their approximate or known positions. They would wish any early features (i.e. mid-19th century and earlier features) to be retained within the building wherever practical, preferably in their current positions.

3.13 HE does not object in principle to the proposed new-build to the rear. The visualisations submitted show that it would be sufficiently subservient to the listed

building to ensure the continued pre-eminence of Nos. 29 and 31 on the site. Providing this building is well detailed and the materials are well chosen it should provide a tidier and more attractive context to the property than the present one.

YORK CIVIC TRUST

3.14 Supports the scheme in principle. Note that student accommodation in the house will be designed around the original room layout, and will retain as many original features as can be salvaged.

3.15 Refer to the design of the portico entrance to the original front door and the rebuilding of the back elevation where modern additions are to be removed. It is important that research is carried out on these areas and the replacement elements (portico, doors, and windows) are reinstatements of the mid C19 design.

3.16 With regard to concerns of the amount of students in the area and their transient nature, the trust acknowledge that this is offset to a degree by reduced demand for HMO properties.

PUBLICITY

The deadline for comment was 11 December 2015. Three letters commenting were received. Comments were as follows -

Parochial Church Council of St Lawrence.

- The churchyard, hall and church are opposite 29-31 and 37 Lawrence Street. We welcome proposals for the development of the premises in principal. However have concern that the proposal is for more student accommodation with absentee landlords. The negative effect being that students are a transient population, which is not conducive to community cohesion and is leaving permanent residents in isolation.

Two other public comments

- Welcome the applications because, in the current financial climate, consider that conversion and development of student housing provides the only financially viable means of re-developing the site. This is further evidenced as other sites nearby, that were vacant for significant levels of time, did not come forward for other forms of development.
- Welcome the construction of more purpose-built student accommodation to meet the demand generated by university expansion and as an alternative to the continuing loss of family housing.
- Note that there is no need for car parking (apart from disabled parking) for student developments such as this, when they are within walking distances of the

universities and are also on bus routes. However the tenancy agreement for students should prevent them car parking in the surrounding area.

- Concerns about the extent of cycle parking and of car parking for disabled students.
- Regret that the works to the listed building do not include the rebuilding of the two bay windows at the rear which were an original feature.
- Note that the rooms include both bathrooms and kitchens and are therefore self-contained and capable in the longer-term of being used as general flatted accommodation by the general public.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the proposed use
- Impact on heritage assets
- Residential Amenity
- Highway Network Management
- Sustainable design and construction
- Land Contamination
- Drainage
- Planning Gain

PRINCIPLE OF THE PROPOSED USE

4.1 The NPPF requires Local Planning Authorities to support existing business sectors, taking account of whether they are expanding and, where possible, identify and plan for new or emerging sectors likely to locate in their area. It states that –

- Planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of at least 5%.
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Planning authorities should identify and bring back into residential use empty housing and buildings

4.2 2005 Draft Local Plan policy ED10 relates to student housing. ED10 advises that proposals for off-campus residential accommodation will need to meet the following criteria -

- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents

4.3 Section 8 of the NPPF advises that planning authorities should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs

4.4 A 2015 report by ARUP undertaken for the council explains that both universities have plans to grow in student numbers. There were 23,100 students in 2013/14 and it is expected the number will rise to 32,700 by 2029/30. 50% of students are currently in private rented accommodation (typically HMOs). The council has acknowledged HMOs can have an adverse effect on communities and has adopted an Article 4 direction relating to HMO's in the urban area; a change of use from family housing to a HMO requires planning permission.

4.5 The application accords with the thrust of planning policy. There is a demonstrable demand for the managed student housing proposed and the NPPF establishes a presumption in favour of sustainable housing development, especially in areas which do not have an adequate housing supply. The site is well positioned in terms of its proximity to York University and the city centre and it is on a main public transport route. In addition the application site is predominantly vacant and underused and the scheme would restore a listed building which is desperately in need of a sustainable new use having been vacant for around 9 years and being in a state of disrepair.

4.6 The change of use of the public house does not conflict with policy; there is no loss of community facility given that there are 3 other similar public houses at this end of Lawrence Street.

IMPACT ON HERITAGE ASSETS

4.7 The Central Historic Core Conservation Area extends along Lawrence St to include the former WMC and the public house. The land at the rear of the site is outside the conservation area. The former WMC building is listed at grade II. The public house is designated as a building of merit in the conservation area appraisal. The site is within the designated City Centre Areas of Archaeological Importance. The West Tower of the Old Church of St Lawrence and its grounds are on the opposite side of Lawrence Street. The tower is grade I listed and a Scheduled Monument.

Legislative and policy context

Statutory duty – Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

4.8 Section 66 of this Act requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to 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.

4.9 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

4.10 Section 72 of this Act requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to preserving the Conservation Area.

4.11 The statutory duty under Sections 66 and 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building or the Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.12 The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on heritage assets includes following:

-Paragraph 132 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 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

-Paragraph 134 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.”

Impact on the listed building

4.13 The building has been vacant for around 9 years and is in poor condition. A Historic Buildings Assessment has been undertaken which informs the proposals. The HBA notes that much of the work undertaken in the C20, when the building became a WMC, is of low significance and detracts from the architectural and historic interest of the building. In particular harm was caused by the considerable loss of plan form, including the removal of the main staircase, and the removal of the rear wall to accommodate the concert room extension at the rear.

4.14 The application proposes demolition of buildings at the rear which detract. The appearance of the main building and its plan form would be restored; to its domestic form. The front portico would be re-instated.

4.15 Historic features (cornices) in the original house need to be covered over to achieve the required fire protection. They would not be damaged and only remain at first floor level – in the billiard room and one of the back rooms. The harm in this respect is low. It is justified, being necessary to satisfy building regulations, and by the considerable gains of securing a viable use for the building.

4.16 There would be a low impact on the significance of the listed building, by covering cornices and the need for a new floor. With reference the consultation comment about the bay windows at the rear; these how long been removed and were not part of the original building. The scheme is not compromised by avoiding re-instatement. The impact on the building is far outweighed by the public benefits of the scheme overall, even with considerable weight given to the less than substantial harm. The public benefits being that the building will be put to a viable use, consistent with its overall conservation, after being vacant for years and in poor condition. The setting will be enhanced.

Impact on the setting of the listed building and the conservation area

4.17 The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of the area.

4.18 The former WMC setting is currently harmed by the state of its curtilage. The site now has an industrial back-drop to the north. An L-shaped extension is proposed around the listed building which would connect into the rear of the public house. The views analysis provided shows that massing proposed is considered and the extension would not appear over-dominant. The materials and building form are traditional and would provide a more domestic and calmer setting to the existing buildings than the present industrial appearance.

4.19 The street scene along Brinkworth Terrace would be improved by the active frontage the proposed building would bring and re-instatement of the footpath.

4.20 The scheme will enhance the setting of the listed building and the character and appearance of the conservation area.

Archaeology

4.21 Draft Local Plan 2005 policy HE10 Archaeology states that planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided the extent and importance of any archaeological remains are evaluated and that the applicant can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.22 To achieve compliance with policy HE10 a condition is proposed to agree the foundation design, so adequate archaeology is retained in-situ or excavated. A planning condition is also proposed for a watching brief, to record and evaluate archaeology on site.

4.23 Adequate recording of the building has already been supplied by the applicants. In addition to the original package of reports photos of each room have now been supplied which are available on public access.

RESIDENTIAL AMENITY

4.24 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. Draft Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.25 There would not be a material impact on the levels of amenity of neighbouring buildings.

- The WMC club has now relocated into No.27 to the west of the site. There are flats on the upper floors. The building is orientated to look away from the application site. The new block would be to the north-east of the site. The proposed development would not be over-bearing, it would not cause overlook and there would be no material loss of light.
- The outlook from rear elevation at upper floor level from 35 would remain over hard-standing within the site. The new block would be approx 22m away; adequate separation to preserve amenity. The building has a single storey rear extension and does not have any associated external space. The proposal includes provision of an enclosure at the rear for storage space.
- No. 39 is a two storey house at the end of the terrace. Outlook from the rear is limited by the commercial building to the north. The proposed block would be to the north-west of 39 and concealed by the aforementioned existing building. There would be no material impact on amenity.

Future occupants

Noise / Odour

4.26 The application is supported by a noise assessment which confirms that adding secondary glazing to the front elevations of the existing buildings would provide suitable noise levels for domestic use. Secondary glazing can be achieved without harm to the appearance of the existing buildings and can be required by a planning condition. Within the new block standard double glazing would provide adequate noise levels.

4.27 With regard to odour from the takeaway, there are already receptors nearby; residents of the Tam O'Shanter and the two other dwellings between Leake Street and James Street. Also the former WMC building has been lived in historically. Public Protection has no evidence of odour causing an adverse effect, in that there have been no complaints from existing residents, despite evidence that the equipment to deal with odour is poorly maintained. It would not be reasonable to require the applicants to contribute towards any mitigation regarding odour from the takeaway and nor is there evidence that odour would have an effect on the amenity levels of the proposed residents.

Air quality

4.28 Properties along this part of Lawrence Street are within the Air Quality Management Area. Recent monitoring shows nitrogen dioxide levels within the health based objective in recent years. However given the proximity of the existing public house building to the road, it is welcome that mechanical ventilation will be provided to the rooms proposed on the upper floor. Given that air quality levels could vary over time it would be reasonable to require the works as a condition, in the interests of the health of future occupants.

Security

4.29 There would be restricted gated access into the site. The entrance would be past the covered way between Nos.35 and 37. The site would have a management company and an on-site management office. The Police Architectural Liaison Officer has been consulted on the site layout and has not raised any objections.

HIGHWAY NETWORK MANAGEMENT

4.30 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Safe and suitable access / minimising conflict

4.31 The highway design currently between James Street and Leake Street as existing has the following problems -

- The footpath outside the site is currently variable in width and is around 1.5m wide at its narrowest point. National design guidance (Manual for Streets) recommends footpaths are at least 2m wide.
- Cars currently park at an oblique angle to the road. In places due to the width of the parking bays this can lead to cars overhanging either the footpath or the cycle path.
- The lack of a kerb-line on the corner of Leake Street allows cars to dominate and cut the corner.

4.32 There will be increased footfall as a consequence of the development. The applicants are proposing to increase the width of the footpath, so it is at least 2m wide, reconfigure the car parking to avoid conflict between users of the highway and build out the footpath at the junction with Leake Street, which would make it safer and more efficient for pedestrians and cyclists. The changes improve highway safety and could be secured through a planning condition. The applicants have confirmed

there would be adequate space for waste storage. Collections will be by a private company and frequent; at least 2 per week. There would be adequate provision for servicing vehicles to enter and exit the site in a forward gear.

Sustainable Travel

4.33 The site is within walking distance of York University and the city centre and is on a main bus route. As such the need to travel is minimised. The University's travel plan confirms that around 50% of student journeys are by foot, and others are mostly by cycle or public transport. There is covered and secure cycle parking proposed within a building. The intent is to provide 54 spaces, with space identified which could, subject to demand, provide 10 further spaces, thus over 50% provision. 50% is the extent of cycle parking provision which was agreed at other recently completed student development. The applicants have provided multiple student accommodation developments in this part of the city; at Navigation Road and Carmelite Street (Hungate). Experience from previous schemes is that around 10% of occupants bring cycles. The cycle provision is acceptable quality and the amount is deemed appropriate. A planning condition can require installation and a mechanism to provide additional spaces subject to demand.

4.34 The NPPF states that if setting local parking standards, planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.35 Car parking standards in the local plan are maxima. Only 2 accessible car parking spaces are proposed. Given the sustainable location, and as there are car club facilities nearby, there is no conflict with policy in not providing car parking in this location.

4.36 Due to the low level of car parking proposed it is not necessary to require electric charging points.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.37 Proposals are compliant with the Draft Supplementary Planning Document on sustainable design and construction. The application is supported by a Sustainability Statement which sets out the measures to be employed within the buildings to achieve a BREEAM rating of 'very good'; this is applicable to the new wing.

4.38 The new block will achieve a BREEAM rating of very good. This accords with policy and will be secured by a planning condition. A BREEAM certification is not being required for the listed building, due to the conflict between adequately upgrading the building fabric and maintaining the integrity of the listed building. There will however be improvements on the buildings energy efficiency due to the required works to the floor and by installation of secondary glazing.

LAND CONTAMINATION

4.39 The NPPF states Planning should ensure that sites are suitable for their proposed use taking account of ground conditions and pollution arising from previous uses and any proposals for mitigation.

4.40 The reports supporting the application propose options for suitable remediation. In accordance with policy a planning condition is proposed to ensure that suitable remediation is undertaken.

DRAINAGE

4.41 The NPPF requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Draft Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.42 The site is within flood zone 1 and therefore is a location where planning policy seeks to locate development in respects of flood risk.

4.43 Apart from the grassed area in front of the former WMC the site is all hard-standing. Soft landscaping is proposed to be added within the courtyard which would help reduce surface water run-off. In addition underground storage with a controlled outlet is proposed and surface water run off from the site would not increase as a result of development. The proposals could be secured via a planning condition. Yorkshire Water has agreed to the proposals from the developer for foul drainage.

PLANNING GAIN

4.44 The application is for managed accommodation, which is not in the same use class as dwellings. Planning permission would be required to allow the development to be used for market housing. A planning condition can be used to re-affirm this and an informative used to explain that planning gain, such as affordable housing/contributions towards education, could be secured were there to be an application to revert to non-student housing.

4.45 The National Planning Policy Framework states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local requirements for open space are established in Local Plan policy L1c and the SPG note -Open Space Advice Note: Commuted Sum Payments in New Developments. The latter establishes the amount of open space which is required in new developments.

4.45 Any planning gain sought towards open space must meet numerous statutory tests. The regulations also impose a limit on the number of pooled contributions that may be funded by 106 obligations. There is no specific scheme that would be necessary to make the development proposed acceptable in planning terms and consequently no contribution is sought.

5.0 CONCLUSION

5.1 The development proposed is in demonstrable need and the application site is a suitable location for such development, being a previously developed site in a sustainable location. Whilst the proposal would give rise to a less than substantial level of harm to the significance of the listed building it is considered that such harm is more than outweighed by the clear public benefit of bringing the building back into a use which is consistent with its viability and conservation, and improvement to its setting, even when considerable weight and importance is attached to that harm. The setting of the conservation area will be enhanced and there will be some improvements to highway safety. Planning conditions can be used to ensure there would be no adverse effect in terms of residential amenity, flood risk and the impact on heritage assets. Overall the scheme is policy compliant and is welcomed by officers.

6.0 RECOMMENDATION: Approve

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

Proposed plans

SLW-3049 P1-02.05 Demolition Plans - Level 0

SLW-3049 P1-03.03 Demolition Plans - Level 1

Application Reference Number: 15/02440/FULM

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SLW-3049 P1-04.03 Demolition Plans - Level 2
SLW-3049 PE-02.03 Proposed Elevations - Main House and Tam O'Shanter
SLW-3049 PE-03.03 Proposed Elevations - New Wing
SLW-3049 PE-04.04 Proposed Elevations - New Wing
SLW-3049 PE-05.03 Proposed Elevations - New Wing
SLW-3049 PP-02.03 Proposed Plans - Block Plan
SLW-3049 PP-03.04 Proposed Plans - Site Plan
SLW-3049 PP-05.05 Proposed Plans - Level 0
SLW-3049 PP-06.04 Proposed Plans - Level 1
SLW-3049 PP-07.04 Proposed Plans - Level 2
SLW-3049 PP-08.04 Proposed Plans - Level 3
SLW-3049 PP-09.04 Proposed Plans - Roof Plan
SLW-3049 PS-02.03 Proposed Sections - New Wing
AECOM drawing 60445690-P-001 revision C – Lawrence Street Highways
Improvements

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

3 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

INFORMATIVE:

For noise details on types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and

mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

4 Remediation Scheme

Prior to commencement of construction 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 must 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. The development shall be carried out in accordance with the approved scheme.

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 Archaeology – requirement for watching brief

No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an

approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

6 Archaeology – foundation design

No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

7 Drainage

Site drainage for the site shall be developed in accordance with the Ward and Cole statement reference 10/4696 revision E (including the installation of underground storage for surface water with controlled outlet) unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce flood risk in accordance with paragraph 99 of the National Planning Policy Framework and Local Plan policy GP15: Flood Risk.

8 Materials

The materials to be used shall be as annotated on the approved plans. Notwithstanding the approved plans a sample panel of the brickwork to be used on the new block 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 the setting or heritage assets.

9 Large scale details

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

- a) Typical cross section of the new buildings external elevation at 1:10 or 1:20 scale
- b) Eaves (new building)
- c) Lift over run (new building)
- d) External cycle stores

Reason: In the interests of the setting or heritage assets and visual amenity.

10 Reporting of Previously Unidentified Contamination

In the event that previously unidentified contamination is found at any time when carrying out the approved development, 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.

11 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must 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.

12 Highway works

The development hereby permitted shall not come into use until such time as 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 or alternative arrangements entered into to secure the same have been approved in writing by the local planning authority:.

Improvements to Lawrence St as shown on Aecom drawing P 001 C

Installation of footpath along Brinkworth Terrace as indicatively shown on drawing PP-03.04

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

13 Times of construction

All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, which would exceed existing background noise levels beyond the site boundary 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

Reason: To protect the amenity of local residents

14 Cycle and bin store

The area shown as cycle (store for 48 cycles and 6 visitor spaces by the entrance) and bin storage on the approved ground floor plan shall be provided prior to first use of the development hereby permitted and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for storage and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National Planning Policy Framework.

15 Travel plan and future cycle parking provision

Within 6 months of occupation of the student accommodation a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

The Travel Plan shall provide details of how cycle parking will be monitored and establish the trigger points for installation of additional provision, how sustainable travel will be promoted and detail the type of information that will be supplied in a welcome pack to students highlighting sustainable travel and preventing vehicles being brought to the city by students.

Reason: To promote sustainable travel in accordance with section 3 of the NPPF and Local Plan policy T4.

16 Mechanical ventilation to no.37

Unless otherwise agreed in writing by the Local Planning Authority, upon the date of first occupation and thereafter all habitable rooms (bedrooms and living areas) at ground and first floor level to elevations overlooking Lawrence Street on no.37 shall be ventilated through continuous mechanical supply and extract (with heat recovery) to the rear of the building, away from Lawrence Street.

Reason: In the interests of the amenity of future occupants due to poor air quality in the locality.

17 Noise insulation

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm_{ax} inside each bedroom at night (between 23:00 - 07:00 hrs). These noise levels shall be observed with all windows in the particular bedroom shut and other means of acoustic ventilation provided.

Reason: To protect the amenity of residents.

INFORMATIVE: The minimum specification for adequate glazing is detailed in section 5 of the PDA Noise Impact Assessment Issue 02 dated 6 Oct 2015.

18 BREEAM

The development hereby approved (new block only) shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

19 Landscaping

The landscaping scheme, as shown on the approved site plan, 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site, in the interests of visual amenity and the setting of heritage assets.

20 Use class of development

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of planning gain (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan.

7.0 INFORMATIVES:

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: sought revised plans to make the scheme acceptable in terms of design and highway safety and through the use of planning conditions.

Contact details:

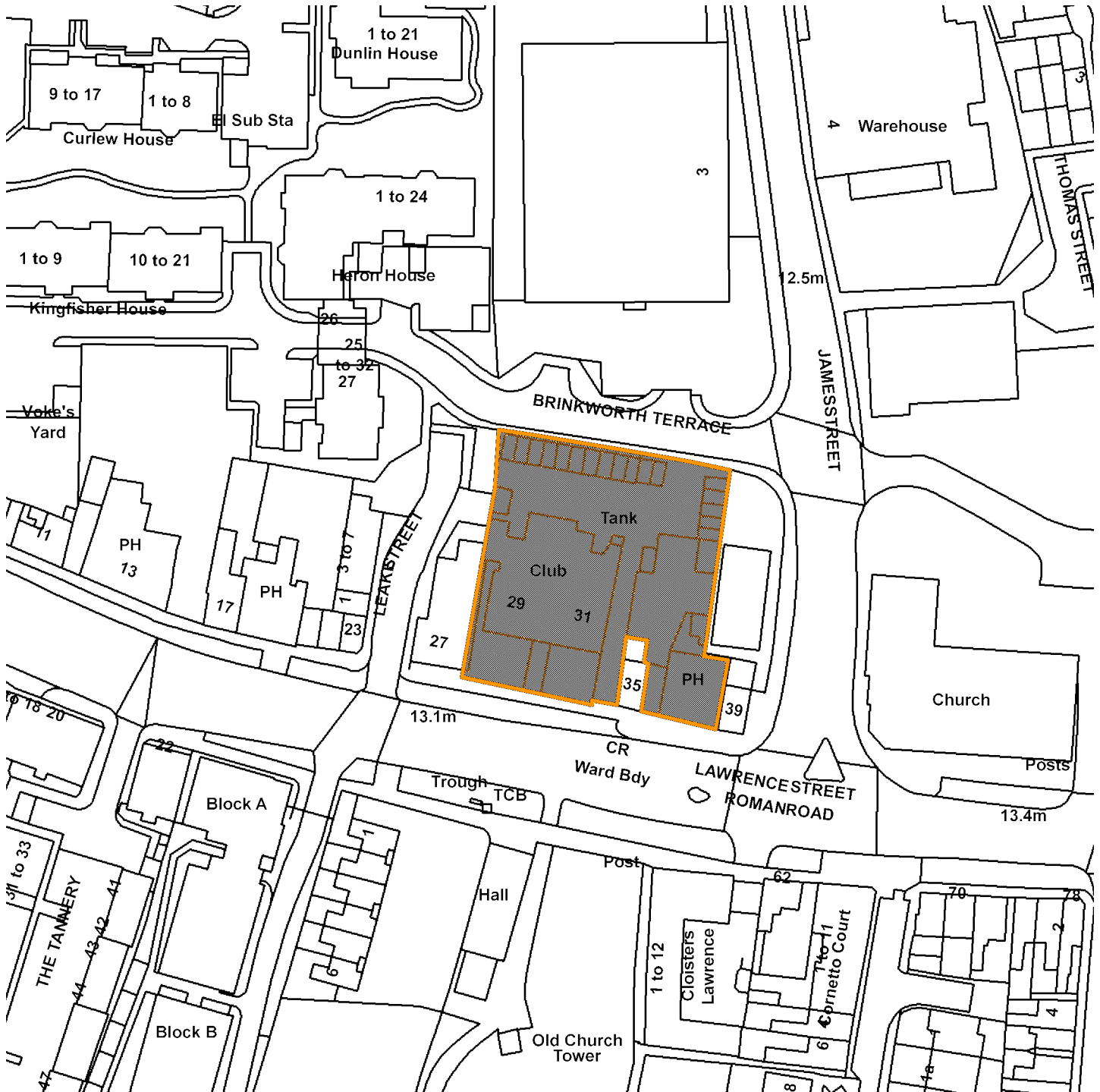
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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15/02440/FULM

St Lawrence Working Mens Club, Lawrence Street



Scale : 1:1059

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/02441/LBC
Application at: 29 - 33 Lawrence Street York YO10 3BP
For: Alterations and partial demolition in connection with proposed use
as student accommodation
By: Mr Chris Hale
Application Type: Listed Building Consent
Target Date: 21 December 2015
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the grade II listed former WMC at 29 and 31 Lawrence Street and its curtilage which extends back to Brinkworth Terrace. The application site also includes the Tam O'Shanter Public House at 37 and the land behind the pub and the takeaway at 35.

1.2 The former WMC is a late C18 century house with early and C19 wings. It has aesthetic and historical value and is listed at Grade II. It has historical value for its association with Samuel Tuke, the noted local Quaker and mental health reformer, who bought the property in 1822. Tuke lived there until his death in 1853 by which time two lower side wings had been added, one in early C19th (east) and one mid C19th (west), and two large bay windows had also been added to take advantage of views into the large rear garden.

1.3 Between around 1870 and the end of the C19 the house was used as a Private Lunatic Asylum. The building became the WMC around 1900. There was significant alteration in the C20 including the concert room added at the rear, removal of the main staircase and alterations to the plan form at first floor level to create the billiard room.

1.4 The building is in a very poor state of repair and it presents a derelict appearance to Lawrence Street. It has been vacant (except for the west wing) for over 10 years. A section 215 notice was served in 2012 to address the poor condition of the site. Until recently attempts to secure a viable use for the building have failed and only temporary measures have been implemented to stall the decay.

PROPOSALS

1.5 The application is to use the building as student accommodation. The proposals include demolition of the concert room at the rear, added in the early C20. The building would be restored to its domestic form, leaving the C18 and the side wings which were added in the C19. There is a companion full planning application which proposes development of the wider site for 114 student rooms overall, including a 3-storey L-shaped wing within the curtilage of the listed building and connecting into the rear of the Tam O'Shanter public house.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework key relevant policies
Section 12 Conserving and enhancing the historic environment

2.2 Draft 2005 Local Plan Policies:
HE4 Listed Buildings

3.0 CONSULTATIONS

PLANNING AND ENVIRONMENTAL MANAGEMENT (Conservation)

3.1 States the building is in a poor condition, being highly dilapidated and identified as being 'at risk'. It has been vacant (except for the west wing) for over 10 years. A section 215 notice was served in 2012 to address the poor condition of the site. Until recently attempts to secure a viable use for the building have failed and only temporary measures have been implemented to stall the decay. Officers therefore welcome the current application which will not only restore the listed building to good health but convert it in a manner consistent with its conservation giving it a long term future.

3.2 Officers support the application. The building fabric would be returned to a healthy state and damaging, unsympathetic alterations would be removed. The proposed use would give the building a long-term future compatible with its conservation. It would be domestic in scale allowing the recreation of a cellular plan similar to the original layouts. The appearance and setting of the building would be greatly enhanced in the townscape, and the status of the building would be re-established as a building of architectural and historic interest in the national context.

3.3 Officers have made detailed comments on the scheme. The main areas where intervention is required being to bring the building up to standards with regards building regulations and performance for fire and sound transmission.

Main House interior

3.4 The main staircase has been lost and this scheme would allow a new wooden staircase to be inserted in the original position. Due to new circulation and fire requirements this would extend to the top floor and there would be a fire partition at the head of the staircase. This represents a change in the status of the new occupants on the top floor. The alteration is mitigated by the retention of the secondary staircase in the east wing, and by evidence of the previous stairwell

3.5 The requirement for fire lobbies would result in room entrances being located in new positions; however many of the original door openings have already been lost through C20th alterations.

3.6 The first floor has been opened up to the full extent of the original house to create a large billiard hall. This is accessed through an early C20th glazed doorway centrally placed under an arch. Details are required to understand what will happen to the arched opening, which should be retained in the new scheme.

3.7 We understand it may be proposed that door head heights would increase in some areas (on the top floor) to meet current standards, although this is not annotated on the submitted plans. This is unjustified and should not be carried out.

East Wing

3.8 Proposals would make this extension independent of the main house so evidence of its previous interconnection should be left in the masonry blocking detail.

West Wing

3.9 This wing is of slightly later date (mid C19th) and appears to have been designed for independent access. Its conversion to an independent apartment will enable the inserted partition walls to be removed and it will be returned to its original plan form.

Setting at the rear of the building

3.10 The rear setting has been harmed by the loss of the original garden and the introduction of enabling development is proposed on the constrained site. The restored openness is a huge improvement on the existing harmful situation and the new development screens out the late C20th industrial environment to the north.

Structure and services

3.11 Proposals are to reduce energy uptake and therefore CO2 emissions by upgrading the fabric with increased insulation in floors, roof spaces and through secondary glazing and draught stopping of windows. The repair techniques proposed might cause disturbance to ceilings, especially cornices, as suspended ceilings may be necessary in parts of the building. Suspended ceilings should be avoided unless it is demonstrated that there is no other way to repair and service the building. A condition should be added to cover this eventuality.

3.12 Floors within the central body of the house would be replaced in concrete. The basement has been filled in, existing floor joists sit within the damp fill and there is no under-floor ventilation. These conditions are beneficial to dry rot fungus which exists already in a small area of the building. Officers support replacement of these floors in solid construction.

3.13 Bathrooms would be stacked vertically so they act as ducts in themselves. Ventilation will be taken through the roof on internal slopes facing into valleys to avoid the slates being penetrated on external facades.

HISTORIC ENGLAND

3.14 The scheme is supported in principle. It accords with planning policy in that the proposed repair of the listed building will restore the aesthetic value of this important but derelict landmark building (which is identified as being at risk) within the conservation area, so that it may once again make a strongly positive aesthetic contribution and enhance the setting of the conservation area and the scheduled monument of St Lawrence's Church and associated burial ground.

3.15 Officers suggested an amendment to the proposed entrance portico. The proposed columns appear spindly and the frieze below the cornice may be too narrow. It was suggested that the portico is re-designed so that the proportions, detailing and materials reflect as accurately as possible its likely original form using existing fabric evidence, surviving photographic evidence and if necessary by a study of other similar examples from this period. The original pilasters and the arched entrance doorway should be retained if possible, along with the door itself, which appears to be original. The front boundary railings should be subject to approval by the Local Planning Authority.

3.16 HE welcomes the reinstatement of many of the internal walls inside this historic building in their approximate or known positions. They would wish any early features (i.e. C19th and earlier features) to be retained within the building wherever practical, preferably in their current positions.

3.17 HE does not object in principle to the proposed new-build to the rear. The visualisations submitted show that it would be sufficiently subservient to the listed building to ensure the continued pre-eminence of Nos. 29 and 31 on the site. Providing this building is well detailed and the materials are well chosen it should provide a tidier and more attractive context to the property than the present one.

YORK CIVIC TRUST

3.18 Supports the scheme in principle.

3.19 Note that student accommodation in the house will be designed around the original room layout, and will retain as many original features as can be salvaged.

3.20 Refer to the design of the portico entrance to the original front door and the rebuilding of the back elevation where modern additions are to be removed. It is important that research is carried out on these areas and the replacement elements (portico, doors, windows) are reinstatements of the mid C19 design.

3.21 With regards concerns of the amount of students in the area and their transient nature, the trust acknowledge that this is offset to a degree by reduced demand for HMO properties.

PUBLIC CONSULTATION

3.22 Deadline for comment was 11 December 2015. The three public comments made are reported in the companion planning application report.

4.0 APPRAISAL

RELEVANT PLANNING POLICY

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to 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.

4.2 The statutory duty under Sections 66 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. more weight than if it were simply a factor to be taken account along with all other material considerations.

PROPOSALS

4.3 The building is proposed to be restored to its domestic appearance and largely the plan form, as the building was in the C19. A main stair would be re-instated in the original location and the rear elevation would be restored. The side wings would be converted into independent units. Proposals include restoration of a front porch and the boundary railings. The slate roof would be repaired using slate.

4.4 The exterior of the building would be restored and significantly enhanced. The site has a run down appearance and the building has been identified as being at risk. The building would be brought back into viable use; a significant public benefit. Internally the building is in poor condition and a large amount of intervention is required within the interior to meet C21 requirements. The amount of intervention can be justified due to the overall public benefits of the scheme.

ASSESSMENT

DEMOLITION

4.5 The C20th function room and contemporary (and later) outbuildings to the rear would be demolished. This would allow the rear elevation to be reinstated, albeit to a different symmetrical design, closer to the presumed original pattern rather than the later one which included bay windows. Preference is for the new rear wall construction to match the historic.

4.6 The function room is an ugly building in an extremely poor condition. It has minor communal significance relating to the former use of the building as a working men's club but this is outweighed by its harmful effect on the significance of the primary building and its lack of visibility from the street. Its loss would enable the rear setting of the building to be enhanced. Other minor outbuildings on the site are not of special architectural or historic interest, even as ancillary structures.

INTERNAL WORKS

4.7 There is a need for new ground floor construction. Concrete flooring was added within the rear extension and within the original area is timber flooring, with infill material below. It is not possible to achieve adequate cross ventilation of the timber floor to the original building. Proposals are for a concrete foundation throughout. The change improves the buildings performance and condition and is acceptable.

4.8 Insulation for fire and sound is required between floors. There are cornices within the majority of rooms at first floor level, although they are not fully intact in most of the rear rooms. Preference would be for cornices to remain on show, if not they should be covered and not removed. A condition is proposed to fully detail the required works to ensure that there is as little intervention as necessary.

4.9 The form of the building proposed overall would be more sympathetic than the current condition.

4.10 The west wing would be separated from the main house. Evidence of the original connection can be retained in the design for the infill of the existing opening, which can be secured by condition.

4.11 At first floor level details are required to understand the arrangements for the glazed doorway into the billiard hall.

4.12 The alterations reasonably respect the plan form a second floor level. The original status of this floor is affected by running the main staircase to this level. The significance of the building is preserved through adequate evidence of the original arrangement. Where existing openings are to be blocked, evidence would remain. The preference is for doorframes to remain as existing. These are an important aspect of the historic and architectural importance of the listed building. The plans show changes in this respect

4.13 The top floor has suffered removal of sections of plaster, fireplaces, and windows in the past but the spaces retain their character as a service accommodation. Internal walls are built as partitions with cavities and these would need to be upgraded for fire and sound resistance. Current proposals would replace the existing finishes and introduce infill in order to retain existing character and reuse existing details. A method statement is required to cover this aspect of work. Replacement of whole walls should only be carried out where the alternatives would be more harmful to the historic character.

EXTERIOR AND SETTING

4.14 The buildings exterior and its setting would be vastly improved by the sensitive restoration proposed. Where windows are beyond repair they would be remade on the existing historic pattern, except where poor quality C20th details have been used as on the top floor. These windows should be replaced with multi-pane vertically sliding sashes, which can be secured via a planning condition. Conditions are proposed to agree the detail of the portico which it is proposed to re-instate. Railings and gates will also be restored to the front curtilage and these shall copy the historic detail, evidence of which remains on site.

5.0 CONCLUSION

5.1 Conditions are proposed to fully agree the internal restoration works. The proposals would affect fabric of historic importance on the upper floors if cornices are to be covered over to accommodate insulation between floors and due to the new for new walls and ceiling on the top floor. The exact amount of works in this

respect is proposed to be covered by condition. There is significant public benefit in bringing a building which is at risk back into viable use, consistent with its conservation. The buildings external appearance and setting will be vastly enhanced. Giving due consideration to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the scheme has officer support, because there would be no undue effect on features of special architectural or historic interest and significant public benefit as a consequence of the application.

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:-

SLW-3049 PP-02.03 Proposed Plans - Block Plan

SLW-3049 PP-03.04 Proposed Plans - Site Plan

SLW-3049 PP-05.05 Proposed Plans - Level 0

SLW-3049 PP-06.04 Proposed Plans - Level 1

SLW-3049 PP-07.04 Proposed Plans - Level 2

SLW-3049 PP-08.04 Proposed Plans - Level 3

SLW-3049 P1-02.05 Demolition Plans - Level 0

SLW-3049 P1-03.03 Demolition Plans - Level 1

SLW-3049 P1-04.03 Demolition Plans - Level 2

SLW-3049 PE-02.03 Proposed Elevations - Main House and Tam O'Shanter

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

Large scale details (1:20 and/or 1:5 as appropriate) 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.

a) the renewed portico restored to its original design using evidence in the building, from photos and if necessary supplemented by research of similar examples

b) gates and railings and works to the retained wall behind no.35

c) the infilled north elevation (in solid wall construction with openings formed to match existing historic openings in the building)

d) arch infill on the first floor

e) blockings between the central section and the two side wings

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- f) new central staircase (shown in context with evidence of the previous position of the lower compartment retained)
- g) typical installation of new bathroom pods (which should reinforce their character as insertions e.g. by having recessed base and head details (aligning with skirting boards and remaining cornices))

Reason: In the interests of the importance of the listed building.

4 Prior to commencement of works the photographic record of internal spaces (SLW-3049 E1--01-45.03 dated 7th December 2015) shall be supplemented in the same manner with a record of the main exterior elevations and boundary conditions. Copies of the record shall be provided for inclusion with the heritage reports on the HER.

5 Door schedule

A drawn schedule describing upgrades to historic doors and architraves, and the character and composition of new doors and their surrounds shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the pertinent works. The works shall be carried out in accordance with the approved details. Door details should be based on historic examples within the building appropriate to each phase of development. Door head heights must not be altered, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the historic and architectural importance of the listed building.

6 Windows

A drawn window schedule showing works to existing windows, details of new windows and secondary glazing shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the pertinent works.

Prior to commencement of window repairs and renewal examples of suitable historic types should be identified for copying.

Window blocking - The type of window blocking shall highlight windows of greater significance where a recess check would be introduced against a straight-through joint. The position of less significant, ancillary windows of recent date should be masked in the brickwork.

Secondary glazing - Where there are shutter boxes and panelled reveals an abutment detail should be provided to demonstrate the relationship of new and existing glazing.

Reason: In the interests of the historic and architectural importance of the listed building.

7 2nd floor alterations

An illustrated method statement describing the extent of alterations to walls and the ceiling on the second floor shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the pertinent works. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the historic and architectural importance of the listed building.

8 Suspended ceilings

Prior to commencement of the pertinent works a detailed justification shall be provided for the inclusion of any suspended ceilings. This shall include a detailed appraisal of all other options for achieving fire and sound resistance, structural repairs and ventilation. Suspended ceilings should be avoided if at all possible.

Reason: In the interests of the historic and architectural importance of the listed building.

9 Fireplaces

A drawn schedule describing works to fireplaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the pertinent works.

Existing fireplace surrounds should be left within the rooms. Any inserts should also be left behind the blocking and, notwithstanding the method specified (brickwork blocking), the blocking should be designed to suit these specific cases. Where the profile of previous fire-place surrounds is still imprinted on the fabric then a means of retaining this evidence in-situ should be agreed and implemented where possible.

Reason: In the interests of the historic and architectural importance of the listed building.

10 Services

Prior to commencement of the pertinent works method statements for the installation of services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. Details of external vents and rainwater goods (location and manufacturer's details) shall be included.

Reason: In the interests of the historic and architectural importance of the listed building.

11 Method of Works

The works hereby approved shall be carried out in accordance with the following measures -

New partition walls and new fixtures shall be scribed around existing details.

Repairs shall be carried out on a 'like for like' basis. Where there is a departure from this approach, alternative details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. The works shall be carried out in accordance with the approved details.

Details of the cleaning technique proposed to the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. The works shall be carried out in accordance with the approved details.

Detailed proposals for the repair and relocation and fire protection if necessary of the coloured glass should be provided. Notwithstanding the notes, glass should be retained in its current location where possible.

Reason: In the interests of the historic and architectural importance of the listed building.

7.0 INFORMATIVES:

Contact details:

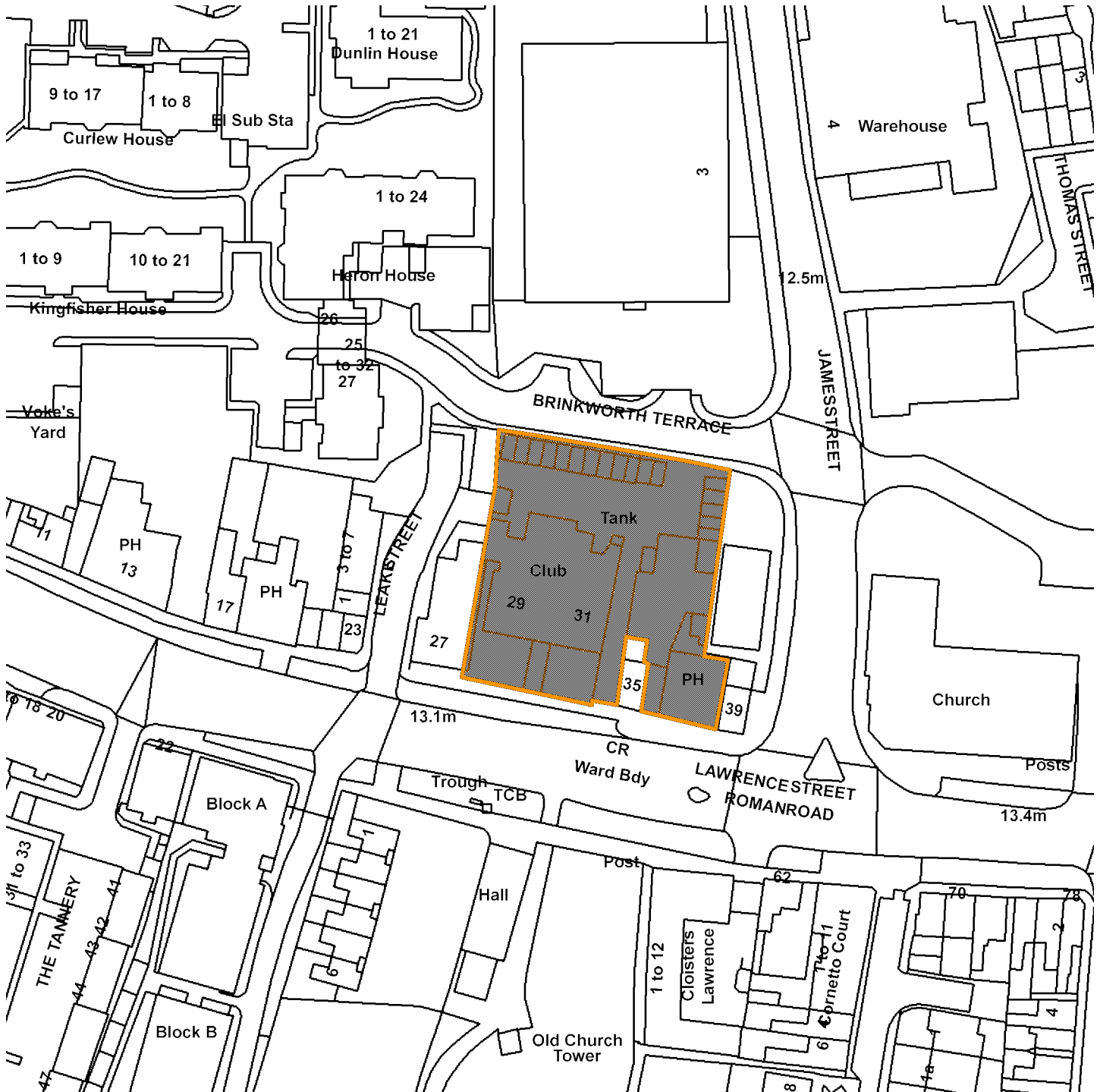
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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15/02441/LBC

St Lawrence Working Mens Club, Lawrence Street



Scale : 1:1059

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	11 January 2016
SLA Number	Not Set

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Directorate of City and
Environmental Services

West Offices
Station Rise
York
YO1 6GA

Our Ref: 14/00112/FULM
Date: 21 January 2016

Application at: Site Adjacent To Frog Hall Public House Layerthorpe York

For: Erection of five storey hotel (class C1) and a drive-through restaurant (class A3) at ground floor level, with associated parking, landscaping and access, and including extension to James Street/Heworth Green Link Road

By: Tiger Developments

Type of Application: Major Full Application (13 weeks)

Committee Update

Consultation

Petition with 29 signatures received. This is from residents of Mill Lane & Heworth Parade who wish to see the link road finished, to relieve traffic in Mill Lane (the lane runs between Heworth Green & Eat Parade).

Roof-top plant

With regards the roof top plant, as discussed in 4.6 and 4.7. This has now been resolved and condition 10 reworded accordingly. Plant has been moved into the centre of the roof and the enclosure lowered in height. The enclosure and clarification of the extent of plant which would exceed the height of the enclosure (the tallest by 1.75m) is detailed on the revised elevations.

Officers propose condition 10 is re-worded as below and the approved plans list would include details of the roof top area.

The roof top plant enclosure shall be constructed in accordance with the approved plans and installed prior to first operation of the use hereby approved. Other than the structures shown on the approved plans (acoustic enclosures) there shall be no roof top plant installed that would exceed the height of the enclosure, unless otherwise agreed to in writing by the Local Planning Authority.

Other Variations to recommended conditions

Condition 8 Construction of Eboracum Way

No part of the development hereby permitted shall be occupied until the remaining section of the James Street Link and its connections to Eboracum Way and signalised junction onto Layerthorpe have been constructed and completed in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users in accordance with paragraph 35 of the National Planning Policy National Planning Policy Framework.

Additional conditions

Servicing

Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

Method of Works

Prior to the commencement of any works on the site, a method of works statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall occur in accordance with the approved details. The statement shall include the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

Jonathan Kenyon
Development Management Officer

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COMMITTEE UPDATE

PLANS ITEMS 4b, 4c and 4d

References: 15/00419/FUL and 15/00420/LBC
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of patient day-care centre within walled garden
By: Mr Robert Brownlow
Recommendation: Approve

1. LISTED STATUS

The walled garden falls within the grounds of the grade II listed Retreat hospital and Garrow House and, as such, is considered to be curtilage listed by virtue of its age and location.

2. CONDITIONS AND INFORMATIVES

Plans Item 4b - 15/00419/FUL

(i) Full details of the following conditions:

2 PLANS (Approved plans) to read:

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

- Drawing numbers 201 rev.A 'Site Plan as Proposed', 202 rev.B 'Ground Floor Plan as Proposed', 203 rev.B 'Roof Plan as Proposed', 207 rev.B 'Elevations as Proposed (internal)', and 208 rev.B 'Elevations as Proposed (external)' dated July 2015;

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

5 LAND1 (New Landscape details) to read:

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the garden areas serving the day centre facility. This 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within this historic walled garden.

7 VISQ2 (Large scale details required) to read:

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.

- Typical elevation and section drawings (at a scale of 1:10) of the south facing elevation of the building inside the walled garden, including details of the roof overhang, the south facing glazed walls of the reception area and corridor, the fenestration, the protruding timber bays and brise soleil features, and the timber screen to the entrance;

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the setting and appearance of this curtilage listed building.

(ii) Informatives:

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:

- pre-application discussion raising material considerations and issues to be addressed;
- revised drawings sought to address impact on fabric and setting of listed walled garden;
- submission of additional information in respect of trees and drainage;
- imposition of conditions to address outstanding impacts.

2 INFORMATIVE

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on vegetation that would be suitable for

nesting birds (including demolition of the potting shed in the walled garden) should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website: http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

3 INFORMATIVE - To be read in conjunction with condition 14.

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of 2 barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition, details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting. In addition, to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise,

dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (ie investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

4 **INFORMATIVE** - To be read in conjunction with condition 16.

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, it is considered that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Plans Item 4c - 15/00420/LBC

Full details of the following conditions:

2 **PLANS** (Approved plans) to read:

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

- Drawing numbers 201 rev.A 'Site Plan as Proposed', 202 rev.B 'Ground Floor Plan as Proposed', 203 rev.B 'Roof Plan as Proposed', 207 rev.B 'Elevations as Proposed (internal)', and 208 rev.B 'Elevations as Proposed (external) dated July 2015;
- Schedule of Repair Works document dated February 2015.

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 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.

- Details of the method of attachment of the glazed corridor of the building within the walled garden and the walls of the building on the outside of the walled garden to the listed fabric of the walled garden;

- Details, at a scale of 1:20, of the new openings created in the walls of the garden, including the finish to the listed wall and details and recess of the proposed doors;

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the setting and appearance of this curtilage listed building.

5 VISQ8 amended to read:

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (including coping stones) 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. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

(ii) Additional condition:

6 Notwithstanding the details contained in the Schedule of Works document (February 2015), an elevation drawing showing areas of the wall proposed to be re-pointed shall be submitted to and approved in writing by the Local Planning Authority before works commence. A sample area (1mx 1m) of the re-pointing shall be made available on site for inspection and approval of the Local Planning Authority. All raking out and pointing shall be by hand with no powered tools used. All works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the historic fabric and setting of the listed walled garden.

(iii) Informatives:

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:

- pre-application discussion raising material considerations and issues to be

addressed;

- revised drawings sought to address impact on fabric and setting of listed walled garden;
- imposition of conditions to address outstanding impacts.

* * *

References: 15/00421/FUL
Application at: The Retreat 107 Heslington Road York YO10 5BN
For: Erection of patient accommodation building
By: Mr Robert Brownlow
Recommendation: Approve

1. DEFERRAL

Further to paragraph 4.29 of the report, the impact of the proposed building on the Beech tree (T14) is unresolved. As such, Members are asked to defer the consideration and determination of this application.

Contact details:

Author: Hannah Blackburn Development Management Officer
Tel No: 01904 551325



Directorate of City and
Environmental Services

West Offices
Station Rise
York
YO1 6GA

Tel: 01904 551550

Ref: 15/02440/FULM & 15/02441/LBC
Date: 21 January 2016

Application at: Former St Lawrence Working Mens Club 29 - 33
Lawrence Street and 37 Lawrence Street
For: Change of use of 29-31 Lawrence Street and 37
Lawrence Street to student residential accommodation
with associated demolitions and alterations and part
two/part three storey block to rear (with accommodation
in roof) (use class C2)

Committee Update

Consultation

Two objections received.

- Too many student lets/HMO's in the area. Imbalanced area and affected streets are targets for criminals when students are away and houses vacated.
- Harm to character of Lawrence Street as a consequence of new large scale student accommodation developments.
- Objection from the takeaway operator at no.35 – Asks whether the proposed development would have a harmful impact of the setting of no.35 and York in general and whether purpose built student development has an adverse effect on private landlords.

Updates to report

Listed Building Consent – Proposed Conditions

Delete condition 7 which asks for details of new walls on the top floor & relationship to their surrounds. Required moved to condition 3 (Large scale details).

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