

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

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