

## COMMITTEE REPORT

**Date:** 17<sup>th</sup> March 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:** 23 March 2016  
**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 (related applications 15/00419/FUL and 15/00420/LBC were approved by Committee in January 2016).

1.2 The proposed building is to 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 during the course of the application to address concerns raised by officers as well as further documentation provided. These included the re-positioning of the building north by approximately 2.5m and alterations to the external appearance of the building. The application was withdrawn from the January Committee agenda to allow further clarification about the position of the building and its relationship to a Beech tree, referred to as T14 in the tree survey. The consequence of this issue has been the submission of further revisions to move the building an additional 2m to the north (approximately 4.5m in total), so that it is outside the root protection area of the tree.

## **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:

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

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4<sup>th</sup> 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

4. 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, however there has been further consultation with the Landscape Architect and Conservation Officer since the submission of the latest revised plans. 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 The site lies within District Green Infrastructure Corridor 7 Tillmire, 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 not subject to a tree preservation order (TPO), but are definitely worthy of one. They 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, continues to raise concern about the extent of construction operations within the RPA of the Beech tree, despite 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, she is happy to condition previous comments about proposed tree planting by condition (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.

3.10 Since the last Committee meeting and the submission of further revised plans, the officer comments that the building is at an acceptable distance from the trunk of the adjacent trees. Requests conditions to cover landscaping and tree protection method statement.

### (iii) Archaeology

3.11 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.

3.12 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.

3.13 The Archaeologist accepts 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

3.14 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. Requests that the following issues be addressed:

- clarification to be provided about the height to ridge and eaves;
- external materials of the building be brick cladding for the walls and slates for the roof due to the effect on the character and appearance of the conservation area;
- clarification about the articulation and recess of windows.

3.15 It is regrettable that the building has had to be moved approximately 4.5m to the north. This will result in the building being more intrusive than the previous iteration in the setting of the listed building in some views, although the degree of intrusion remains less than that of the *existing* building overall. In terms of the impact on the character and appearance of the conservation area, again, the building will be more prominent in some views, but this has to be weighed against the benefit of preserving the tree, which makes a positive contribution to the parkland character of this part of the CA. Balanced against the public benefit which will derive from the scheme, the development can be supported.

#### FLOOD RISK MANAGEMENT TEAM

3.16 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

3.17 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

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

#### YORKSHIRE WATER

3.19 Requests conditions to cover foul and surface water drainage.

## LOCAL COMMUNITY

3.20 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;
- affect 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 DEVEOPMENT

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. As the assessment of the harm to Green Belt turns on the fact that the proposed building replaces another, which is adjacent to it, a condition should be attached to any approval to require the removal of the existing accommodation block through condition and within a suitable time frame following completion of the new building.

## IMPACT ON OPENNESS AND GREEN BELT PURPOSE

4.16 In addition to considering whether there is any harm arising from inappropriateness, consideration 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 site would remain as a collection of buildings within a parkland setting and there would be no increase in the number of buildings or a significant change in the footprint of the buildings on site as a result of this application. The proposal would, therefore, preserve the overall open character of the site. Again, as a replacement building of similar footprint, the proposal would not conflict with any of the five purposes of Green Belt. As a result, officers are of the opinion that the proposal would not result in any other harm to openness or Green Belt purpose, subject to a condition requiring the removal of the existing accommodation block.

## HERITAGE ASSETS

4.17 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.

4.18 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.

4.19 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.

4.20 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 be built into the slope of the site, as is the arrangement with the existing accommodation block. The building 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 maintain views of the grade II listed building and would open up views from the north, thereby, enhancing its setting.

4.21 Whilst closer to the site boundaries with University Road, and Thief Lane to a lesser extent, there would still be a distance of approximately 46m 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 (which is itself at a lower land level than the site) 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 has been re-sited to avoid any impact on the mature Beech tree (T14), the loss of which would have an adverse impact on the historic setting.

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 6<sup>th</sup> 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 19<sup>th</sup> 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, 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

4.25 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). 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.

4.26 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. Policy GP4a requires development to incorporate sustainable construction methods as well as be sustainable and accessible in its location.

4.27 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.

4.28 The building would have a L-shape footprint that is orientated, firstly, towards the south in order to maximise natural light and heating and, secondly, 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 incorporation of roof glazing on the south facing roof slope would allow natural light to penetrate the entrance foyer and communal dining room, with brise-soleil features over windows to prevent glare to south facing rooms.

4.29 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.

4.30 In order to address the slope in the land from the walled garden towards Thief Lane, the building is proposed to be built into the slope in the same way as the existing accommodation block. The intention is that the elevation facing towards Thief Lane is at existing ground level and that the path leading from the walled garden to the main entrance would be on a downwards slope. The land around the accommodation block would be levelled to allow for a flat amenity garden to serve the facility. The agent has confirmed that the land level and slope shown on the revised elevation drawing is based on a topographical survey of the site.

4.31 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. 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.

## TREES AND ECOLOGY

4.32 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.

4.33 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.

4.34 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 was raised following the submission of the application 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). The officer's concerns related to the harm that development operations, including foundations and utilities, would have on the tree's health and longevity. The building has been re-sited north, by approximately 4.5m, to address the concerns raised. The officer has confirmed that the building is now at an acceptable distance from the tree. Conditions are requested by the officer, including a tree protection method statement.

4.35 In light of the above, subject to conditions, the proposal would not result in any adverse impacts on biodiversity.

## FLOOD RISK

4.36 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.

4.37 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. The proposal, therefore, accords with national and local planning policies and is, in principle, acceptable in flood risk terms.

## HIGHWAY SAFETY

4.38 The NPPF encourages sustainable travel and the siting of 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, the proposal would comply with the aims of national planning policy and no objections are raised on highway grounds.

## AMENITY

4.39 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.

4.40 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.

4.41 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 and 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.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve with conditions

1. TIME2 Development start within three years
2. PLANS Approved plans – Drawing numbers 1402/201 rev.B ‘Site Plan as Proposed’, 1402/204 rev.C ‘Ground floor plan as proposed’, 1402/205 rev.C ‘First floor plan as proposed’, 1402/206 ‘Roof Plan as proposed’ and 1402/209 rev.C ‘Elevations as proposed’, dated February 2016 and received on 11.2.16.
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 (within the garden areas serving the accommodation block)
6. Before the commencement of development, including demolition, excavations, building operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, and locations for stored materials, and locations and means of installing utilities. The methodology shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the root protection area of existing trees. The development shall be carried out in accordance with the approved method statement.

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 this area and/or development.

7. VISQ2 Large scale details - Typical vertical and horizontal cross-section drawings (at a scale of 1:10) including details of the following features: verge, eaves, pilasters, fenestration recess, roof glazing and brise-soleil features.
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. The development shall be carried out in accordance with the approved details.

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. Any 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 ( $L_{Amax}(f)$ ) 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.

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.

18. Condition to cover timing for demolition of existing building (to be confirmed).

### **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 the impact of design and materials on heritage assets and siting in relation to mature tree;
- submission of additional information in respect of trees and drainage;
- imposition of conditions to address outstanding impacts.

2. INFORMATIVE – To be read in conjunction with conditions 10-13

(i) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge.

(ii) Foul water domestic waste should discharge to the 225 mm diameter public combined water sewer recorded in University Road, at a point approximately 110 metres from the site. The existing connection serving the current site may be re-utilised. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

(iii) The developer is proposing to discharge surface water to soakaway and public sewer. Details explaining why all surface water draining from the site cannot be disposed of via infiltration techniques should be provided. Upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to the public surface water sewer. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site by means of physical investigation.

On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

### 3. INFORMATIVE - To be read in conjunction with condition 16.

(i) 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.

(ii) 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).

(iii) 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).

(iv) 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 17.

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).

#### **Contact details:**

**Author:** Hannah Blackburn Development Management Officer

**Tel No:** 01904 551325