

COMMITTEE REPORT

Date: 2 March 2017 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
 Commercial Team

Reference: 16/02740/FULM
Application at: St Peters School Clifton York YO30 6AB
For: Erection of two storey teaching building following demolition
 of Grove and Scott buildings and CCF hut
By: St Peter's School
Application Type: Major Full Application (13 weeks)
Target Date: 17 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 St Peter's School comprises a substantial campus of brick and stone built educational buildings dating from the early 19th Century to the present day set within extensive landscaped grounds to the north of the City Centre. The core buildings of the site directly to the west of Bootham are Listed Grade II and the campus lies partially within the Clifton Conservation Area as well as straddling the boundary of Flood Zones 1 and 2 Planning permission is sought for the demolition of the Grove and Scott buildings, together with the CCF Hut and the erection of a purpose built 2 1/2 storey Mathematics and Modern Language teaching area partially on the cleared site and partially on the site of an existing minibus park to the south west of the main complex.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Clifton CONF
Flood zone 2 Flood Zone 2

2.2 Policies:

CGP15A Development and Flood Risk
CYED1 Primary and Secondary Education
CYGP1 Design
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a Construction Environmental Management Plan and to restrict the hours when demolition and construction and associated deliveries may take place.

Planning and Environmental Management (Archaeology)

3.2 Raise no objection to the proposal subject to any permission being conditioned to require the undertaking of an archaeological watching brief during all work in view of the possibility of a Roman cemetery being present in the area.

Planning and Environmental Management (Conservation)

3.3 No response.

Strategic Flood Risk Management

3.4 No response.

Highway Network Management

3.5 Raise concerns in respect of the loss of parking spaces and the proposed increase in teaching space. The immediate area of highway is protected by parking restrictions, however unrestricted parking in a residential area is available within easy walking distance of the site. We are concerned that the loss of parking at St Peters school will be displaced to this area which is already struggling with availability of parking for its residents. Concerns are also raised in respect of the impact of the proposal upon the delivery arrangements for the school canteen.

Planning and Environmental Management (Ecology)

3.6 No objection. The demolition of the buildings would not impact on local bat populations.

EXTERNAL

Clifton Planning Panel

3.7 Raise some concerns in respect of possible overlooking of properties in North Parade and the safeguarding of residential amenity during the construction process.

North Yorkshire Police Force Architectural Liaison Officer

3.8 No objection.

Environment Agency

3.9 In accordance with the NPPF you must satisfy yourself that the Sequential Test and, where relevant the Exception Test, have been undertaken and passed. We recommend that evidence to support this be added to the planning file. If either of the tests is failed, planning permission should be refused. Due to the proposed development's scale and the level of flood risk, we have no objections. We do however recommend that the developer considers opportunities to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures.

York CAAP Panel

3.10 No objection.

Neighbour Notification and Publicity

3.11 No responses.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Impact upon the character and appearance of the Clifton Conservation Area;
- Impact upon the setting of the St Catherine's and School House, Grade II Listed Buildings;
- Impact upon the residential amenity of properties in North Parade;
- Impact upon flood risk in the locality;
- Impact upon the safety and convenience of highway users in the locality.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although any weight is limited except where in accordance with the National Planning Policy Framework.

STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only limited weight, where relevant and in accordance with the terms of the National Planning Policy Framework. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

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

HERITAGE ASSETS:-

4.4 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas Act) sets out a clear statutory duty to Local Planning Authorities to have special regard to the desirability of preserving and enhancing the Conservation Area. Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas and within the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale , proportion, details and materials.

4.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council 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." As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. At the same time the presumption contained within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act creates the need to balance any harm to the setting of any Listed Buildings and this is outlined below. Policy D5 of the (Emerging) Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

The legislative requirements of Sections 66 and 72 are in addition to Central 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 designated heritage assets includes the following:

-Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

-Paragraph 131 advises Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

-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 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.”

- Paragraph 137 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CLIFTON CONSERVATION AREA:-

4.6 The character of the Clifton Conservation Area comprises a series of three and four storey detached villas dating to the Late 18th/Early 19th Century villas along with short section of terraced housing set within mature well landscaped grounds. The application site itself comprises a large brick and stone built educational campus to the west of Clifton whose well ordered collegiate style adds significantly to the character and appearance of the Conservation Area.

The western section of the site is more open with middle and long distance views into the site across the River Ouse from the East Coast Mainline enhanced by the nature of the local topography. The existing complex of buildings follows a uniform pattern of scale and massing with a predominance of dark brick and shallow pitched roofs with a mix of two and three storey structures.

4.7 The proposal envisages the erection of a 2 1/2 storey teaching structure for the teaching of mathematics and modern foreign languages partially on the site of the existing Grove and Scott Buildings and partially on the site of the existing school minibus park. It would closely replicate the pattern of scale and massing of the teaching block constructed directly to the north west in the 1980s and would at the same time adopt an identical palette of materials, utilising a dark brick with stone detailing including a two storey art stone colonnade on the western elevation and a shallow pitch roof. The building like its neighbour directly to the north west would be aligned south west/ north east and would closely respect the existing site layout. An identical contemporary design metaphor with traditional materials would be largely achieved with the new development. It is therefore considered that the proposal would not harm the character and appearance of the Conservation Area rather in view of the design of its roof-scape and relationship to its surroundings its impact would be broadly neutral. It is therefore felt in terms of the requirements of Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act that it would secure the preservation and enhancement of the character and appearance of the Conservation Area.

IMPACT UPON THE SETTING OF ST CATHERINES AND SCHOOL HOUSE

4.8 St Catherine's comprises a substantial three storey brick built detached property of early 19th Century date fronting onto Clifton and School House comprises a substantial two storey part brick/part stone built structure forming the original mid Victorian school complex also fronting on to Clifton directly to the north. The proposed development lies to the south west of both structures in an area that was initially retained as gardens during the early development of the school and since the 1950s has been developed with teaching space. The principal visual relationships of both St Catherine's and School House are with the Clifton street frontage where they form part of the extension of the pattern of Georgian and early Victorian villas and other similar development extending out of the City Centre along Bootham. The proposed development would be physically divorced from the rear of St Catherine's by the existing brick garden boundary wall which would be partially realigned as part of the work. The two structures would not be readily visible in the same plane with their principal elevations oriented in different directions. The new development by reason of the local topography would also sit below St Catherine's within the wider skyline. Any harm to the setting of St Catherine's would therefore be modest and would be clearly offset by virtue of delivering the clear public benefits of the enhanced quality of teaching accommodation that the new accommodation would provide.

4.9 School House comprises a part single/part two storey Mid Victorian Neo Perpendicular Gothic structure part constructed in buff brick with stone detailing with a limestone ashlar range facing Clifton. The building was substantially extended to the west and south west in the early 20th Century with a mix of single and two storey brick blocks aligned at 90 degrees to the principal block. The new development would again be physically divorced from the principal building and would sit lower in the skyline by virtue of the local topography. The two buildings would again not be readily visible in the same viewing plane and it is not felt that the proposal would lead to any material harm to the setting of the building.

IMPACT UPON THE RESIDENTIAL AMENITY OF PROPERTIES IN NORTH PARADE

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "key planning principles" urges Local Planning Authorities to give particular weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings. At the same time Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, is of a scale, density, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The application site lies in an elevated location relative to the terrace of residential properties in North Parade to the south west with a change of level of approximately 3 metres. The properties are aligned north west/ south east with the principal living rooms on the main street frontage facing away from the school with back yards facing on to a back lane to the rear. The closest residential property is approximately 10 metres from the rear of the existing Grove Block and the submitted scheme. The new building would lie to the north of the nearby residential properties in broadly the same location as the buildings to be demolished.

4.11 The existing site boundary comprising a 1.2 metre high post and rail fence with a 4 metre high mature hedge to the rear would be retained as part of the proposal. The existing Grove Block incorporates two windows directly overlooking the rear of properties in North Parade. These would be replaced within the new proposal by an obscure glazed stair well and the rear building line of the existing Grove Block would be largely retained with the proposed south facing colonnade progressing only some 600 mm beyond the existing line. The proposed roof which would be constructed in a profiled metal sheet would have a dual mono pitch with a central valley for maintenance purposes. It would be approximately 1 metre higher than the existing parapet at its highest point but its variegated form would lessen the present overbearing impact upon the adjoining back lane. The proposed building has been carefully designed in order not to increase impact upon the residential amenity of the adjoining properties beyond the existing situation whilst meeting the needs of the site.

It is felt that the proposal would maintain the existing level of residential amenity to the adjoining properties to the south east and is therefore acceptable in terms of the requirements of paragraph 17 of the NPPF and Policy GP1 of the Development Control Local Plan.

IMPACT UPON FLOOD RISK IN THE LOCALITY

4.12 Paragraph 103 of the National Planning Policy Framework clearly indicates that in considering giving planning permission Local Planning Authorities should give particular weight to ensuring that flood risk is not increased elsewhere. The application site lies partially within Flood Zone 1 and partially within Flood Zone 2 with some teaching accommodation proposed to be located within a sub-basement area. In accordance with the requirements of the NPPF a detailed sequential assessment has been submitted in respect of that element of the accommodation to be located within Flood Zone 2. This indicates that the only other suitable open land available for development within the school site is also within Flood Zone 2 or Flood Zone 3 which carries with it a much greater flood risk. The possibility of locating the building further to the south east and wholly within Flood Zone 1 was considered very early on in the design process but it would have resulted in the need to construct a building with a much higher ridge height that would have harmed the character of the Conservation Area, it would have resulted in the loss of a rare specimen birch tree and would have given rise to significant harm to the setting of St Catherine's, a Grade II Listed Building.

4.13 Notwithstanding the location of the most southerly 8 metres of the site within Flood Zone 2 it lies significantly above the highest recorded flood level in November 2000. The proposal has been subject to a site specific Flood Risk Assessment as required by the NPPF and the Authority's Strategic Flood Risk Assessment. The FRA clearly indicates that the building would be constructed to a high degree of flood resilience in common with its neighbour directly to the north west. The Authority's SFRA indicates that the proposal would be a "more vulnerable" non-residential use in terms of flood risk and that within Flood Zone 2 those types of use would not have to undertake an "Exceptions Test" as outlined in the NPPF. Subject to any permission being conditioned to require compliance with the site specific flood risk assessment then the proposal is felt to be acceptable in flood risk terms.

IMPACT UPON THE SAFETY AND CONVENIENCE OF THE HIGHWAY

4.14 Concern has been expressed in terms of the availability and management of vehicle parking space within the site and the degree of access available to sustainable means of transport. A detailed response to the concerns has been submitted by the applicant. This indicates that there are 177 vehicle parking spaces available within the wider Campus including the St Olave's Lower School. These are available for use by staff (via) permit and bona fide visitors with no students allowed to bring cars on to the site.

The proposed scheme would result in the loss of 19 car parking spaces rather than the anticipated 25 and it is proposed to replace the majority of losses by reorganising existing garage and open air storage space within the site. At the same time adequate space exists within the site to relocate the existing servicing functions for the canteen further to the north east. It is also indicated that staff and students are encouraged to make use of sustainable means of transport but no formal travel plan is currently in place. It is felt that the concerns in relation to parking within the site can be satisfactorily addressed and that subject to any permission being conditioned to require the submission and prior approval of a travel plan then the proposal is felt to be acceptable.

5.0 CONCLUSION

5.1 St Peter's School comprises a substantial campus of brick and stone built educational buildings dating from the early 19th Century to the present day set within extensive landscaped grounds to the north of the City Centre. The core buildings of the site directly to the west of Bootham are Listed Grade II and the campus lies partially within the Clifton Conservation Area as well as straddling the boundary of Flood Zones 1 and 2 .Planning permission is sought for the demolition of the Grove and Scott buildings, together with the CCF Hut and the erection of a purpose built 2 1/2 storey Mathematics and Modern Language teaching area partially on the cleared site and partially on the site of an existing minibus park to the south west of the main complex.

5.2 The proposed new building works have been very carefully designed to match the existing pattern of scale and massing of the existing buildings within the campus specifically the teaching building erected in the 1980s directly to the north west. It is felt that it would only give rise to only harm to the character or appearance of the Clifton Conservation Area and the setting of the Listed Buildings on the main road frontage and this less than substantial harm would be more than offset by clear public benefit of significant improvements to the teaching accommodation. The development would not give rise to any materially greater harm to the residential amenity of neighbouring properties than the existing situation and would not give rise to any increase in flood risk in the locality. The proposal is felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:16005AL(0)009; 16005AL(0)010; 16005AL(0)011; 16005AL(0)012; 16005AL(0)013;16005AL(0)014; 16005AL(0)15; 16005AL(0)16.

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 VISQ7 Sample panel ext materials to be approv
- 5 LAND1 IN New Landscape details

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

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

- 7 LC4 Land contamination - unexpected contam
- 8 NOISE7 Restricted hours of construction

9 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.

NOTE: 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 barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would 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 (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.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the area

10 The development hereby authorised shall not be carried out otherwise than in strict accordance with the recommendations of the submitted Site Specific Flood Risk and Surface Water Drainage Assessment dated 2nd December 2016.

Reason:- To minimise flood risk in the locality and to secure compliance with paragraph 103 of the NPPF.

11 The development hereby approved shall not be occupied until a Full Travel Plan for the college has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

12 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development above foundation level the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

13 No work shall commence on site beyond ground clearance 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 is of archaeological deposits and may contain material is required to be recorded.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Submission of a Sequential Test in terms of Flood Risk
- ii) Clarification in terms of parking arrangements and access to sustainable means of transport within the application site.

2. BAT MITIGATION:-

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2010). Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities for the development to enhance the building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia (see http://www.bats.org.uk/pages/bat_boxes.html for more information).

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