

## COMMITTEE REPORT

**Date:** 5 April 2018  
**Team:** Major and Commercial Team  
**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 18/00051/GRG3  
**Application at:** Fishergate Primary School Fishergate York YO10 4AF  
**For:** Erection of two storey extension with single storey link to existing building together with formation of new openings at ground floor providing play area and first floor nursery accommodation  
**By:** Mrs L Calvert  
**Application Type:** General Regulations (Reg3)  
**Target Date:** 20 April 2018  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Fishergate School was designed by WH Brierley for the York School Board in the last decade of the 19th Century. It is valued as an example of Brierley's pioneering design work for new schools, exploiting spatial interest, demonstrating quality of detail and technical innovation. It is Grade II listed.

1.2 This application relates to a large outbuilding situated within the playground of the school and adjacent to Escrick Street. This building is used independently of the main Fishergate School building, for a playgroup and as an out of school club known as Funfishers. It has previously been adapted to create more space by the insertion of a mezzanine floor; and WC's and a kitchen have been introduced on the ground floor. Planning permission is sought for a two and single storey side extension to the existing outbuilding. The single storey extension would connect to the side wall of the host building and link together with the proposed two storey extension. This building part of the School curtilage and is therefore covered by the Grade II listing. The main school building is within the recently extended part of the Central Historic Core conservation area covering Fishergate however the site of the proposal is outside of the conservation area.

1.3 The application is supported by a Heritage Statement, Design and Access Statement, Sustainability Statement and Flood Risk Assessment.

1.4 There is a concurrent listed building consent application ref: 18/00052/LBC relating to the proposals for a two and single storey extension to this building.

1.5 Relevant Site History

Internal and external alterations of existing out buildings to form after school club (ref: 98/00045/FUL and 98/00046/LBC.

New window to side elevation and internal alterations of out-of-school club building (ref:13/00701/FUL and 13/00702/LBC.

1.6 This application has been called to be determined at the April Planning Sub - Committee by Councillor Dave Taylor if Officer recommendation is to refuse this application.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Education

Areas of Archaeological Interest: City Centre Area 0006

Conservation Area: Central Historic Core CONF

Listed Buildings: Grade 2; Fishergate Cp School Fishergate York YO1 4AP 0008

2.2 Policies:

Draft Development Control Local Plan 2005

CYGP1Design

CYHE4Listed Buildings

CYED1Primary and Secondary Education

CY HE10Archaeology

Emerging Local Plan policies

Policy D5 Listed Buildings

Policy D6 Archaeology

## **3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 Officers object to the proposal on design grounds as it fails to respect the high quality and significance of the adjacent listed building.

Planning and Environmental Management (Archaeology)

3.2 The main school building is situated within the site of Fishergate Roman cemetery. The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

### Public Protection Unit

3.3 No objections subject to relevant conditions regarding contamination and a construction informative.

### EXTERNAL

### Fishergate Planning Panel

3.4 No comments received.

### Planning Committee of York Civic Trust

3.5 Supports this application.

### Conservation Area Advisory Panel

3.6 The Panel considered that the design was a good solution to the requirements with the proposed extension being subservient to but in keeping with and respectful to the existing building. It was commended by the majority of the Panel members.

### Publicity and Neighbour Notification

3.7 There has been nine letters of support for the development from parents and interested parties.

3.8 One letter expressing concern about the reduction in parking area which is used by parents to turn their vehicles which could result in a danger to children.

### Councillor Taylor

3.9 No objection in terms of design, and can see no detriment to the historic buildings or their setting.

## **4.0 APPRAISAL**

### KEY ISSUES:

- visual impact, effect on character of listed building
- impact on neighbouring properties

### PLANNING POLICIES

4.1 The National Planning Policy Framework (NPPF) (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 The NPPF, Chapter 7, paragraph 56 advises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of

sustainable development, is indivisible from good planning, and should contribute positively to make places better for people.

4.3 The NPPF, Chapter 12, Paragraph 132 states that 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.4 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded very limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.6 2018 Draft Plan Policy D5: Listed Buildings states that proposals affecting a listed building or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

4.7 2018 Draft Plan Policy D6: Archaeology states that development proposals that affect archaeological features and deposits will be supported where; (i) they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present; (ii) they will not result in harm to the significances of the site or its setting; (iii) they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; (iv) harm to archaeological deposits is unavoidable, detailed mitigation measures

have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

4.8 The Draft City of York Local Plan was approved for development management purposes in April 2005. Its policies carry very limited weight where there are compliant with the NPPF. Policy HE4 Listed Buildings states that consent will only be granted for development in the immediate vicinity of a listed building or external and internal alterations where there is no adverse effect on the character appearance or setting of the building.

4.9 Policy HE10 relating to Archaeology states that planning applications for development that involves disturbance of existing ground levels on sites within the York City Centre Area of Archaeological Importance will be granted provided that the applicants permit a field evaluation to assess the extent and importance of the archaeological remains; and the applicants demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. Outside York City Centre Area of Archaeological Importance, archaeological deposits of national importance must be preserved in situ.

4.10 Policy ED1, which supports the extension of appropriate primary education facilities where there is a recognised need designed in a way that compliments the local area and provides for joint community use.

#### ASSESSMENT:

4.11 The host building is known as Funfishers pre- school nursery and out of school club in association with the main Fishergate School. This building is located to the north east corner of the play ground of the School. This building was internally altered following listed building and planning permission in 2013 to extend the existing upper mezzanine floor and relocate the staircase serving this upper floor. This proposed development considers a two storey building which will be attached to the existing building by a glazed roof link to the side of the building utilizing the existing external alley which provides pedestrian access into the playground and the entrance. It would be positioned on the existing car parking areas outside the boundary wall serving the school and nearby Melbourne Centre. The extension will provide a recognised need for additional facilities to serve the community. As such, it accords with the aims of the NPPF and Draft Local Plan Policy ED10 set out above and is, therefore, acceptable in principle subject to detailed considerations.

#### IMPACT ON THE SPECIAL INTEREST OF THE LISTED BUILDING:

4.12 The general duty with respect to listed buildings in the exercise of planning functions is contained in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant planning permission for development which affects a listed building or its setting, the

local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.13 The host building has been described as having a pavilion like appearance, incorporating symmetrical three half dormer style windows above Escrick Street. The side wall overlooking the car park has a gable wall attached to three single storey gables off shoots on the play ground elevation screened by the boundary wall. The proposed attached building will measure approx 6.2 metres in height incorporating a floor area of approx 7 metres by approx 13 metres in depth. The proportions of the glazed link entrance will be approx 2.3 metres by approx 8 metres incorporating a brick frontage with timber entrance door of approx 3.4 metres in height. The design would incorporate a double ridge with intervening flat roof on the car park elevation.

4.14 It is considered that the design does not reflect any aesthetic or historic values exhibited in Walter Brierley's work for the listed building. The silhouette of the design of the double ridge when viewed from the side elevation is too dominant and detracts from the carefully considered gable of the existing listed building. Furthermore, the positioning of gutter detail from the intervening flat roof on to the new link building roof is considered to appear incongruous. With regards to the new windows Officers have noted that the head and sills to the dormer on Escrick Street don't align with the existing examples. Also, the use of obscured glazing at the lower level of the window has been considered as an unattractive feature to the window. Officers have acknowledged that there are similar style dormer windows to the three storey development on Escrick Street opposite the proposal. However, it is considered that the existing additions do not make a positive contribution to the special interest of the neighbouring listed building. The new entrance and small signage within the proposed link building opening would not detract from the special interest of the host listed building or its immediate setting and wider views from Escrick Street.

4.15 Officers have advised the applicant of potential amendments to introduce a different roof design to reduce its dominance. Further, discussions have advised that the proposed window proportions and composition could better reflect those of the listed building. The applicant's agent has written in support of this current design on the grounds that the shape of the ridge height is required to allow for head height on the upper floor and that the window cill height does not allow for a standard floor to ceiling height. The Architect also considers the design of the low ridge height and positioning of the new window in order to allow children to visually connect with the outside areas.

## SETTING OF THE CONSERVATION AREA

4.16 The proposal is not considered to affect the setting of the Central Historic Core Conservation Area.

## HARM TO DESIGNATED HERITAGE ASSETS AND PUBLIC BENEFITS:

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4.17 The Council's statutory duty under section 66 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to any harm. Paragraph 132 of the NPPF states that 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. The harm to the listed building is considered to be less than substantial. Paragraph 134 of the NPPF states 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 viable use. Whilst, the public benefits of this development are acknowledged to address future community and educational needs, officers do not consider that the harm to the significance of the heritage asset would be outweighed by the public benefits.

#### NEIGHBOUR AMENITY:

4.18 The proposed Escrick Street elevation is opposite a three storey building of single apartments. It is considered that the location of the proposed building is sufficiently distant to ensure that it will not in itself have a significant adverse impact on the amenity of any neighbouring occupiers.

4.19 The Melbourne Centre( a dual purpose facility, providing specialist training and learning opportunities in the daytime and room space for community, sports and leisure groups in the evening and weekends) located to the rear of the school curtilage and shares parking spaces with the school. The proposed site plans illustrate that the parking areas would be relocated to allow for the new building constructed.

#### ACHAEOLOGY:

4.20 The main school building is situated within Fishergate Roman cemetery. The nursery is outside of the known extent of the cemetery but in an area that is known to contain archaeology relating to all periods. At 8-9 Escrick St an excavation in 1989 revealed the base of a ditch cutting cultivated soil of early 2nd century date. The upper part of the ditch had been destroyed by agricultural activity lasting from 11th - 19th century. As such and in line with paragraph 135 of the NPPF, conditions would be attached requiring the implementation of a programme of archaeological work and a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site.

## 5.0 CONCLUSION

5.1 For the reasons stated, it is considered that the proposed design would harm the appearance and special interest of the listed building. Therefore it would be contrary

to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, would fail to comply with paragraphs 132 and 134 of the National Planning Policy Framework 2012 and Emerging Local Plan policy D5 and policy HE4 of the Draft Development Control Local Plan.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The proposed development fails to adopt the architectural detail of the host building. The design does not fit into the context of the existing building in that development does not reflect any aesthetic or historic values exhibited in Walter Brierley's work. The form of the double ridge with intervening flat roof is uncomfortable and does not reflect the elegant roof forms of the listed building and the design of the extension would appear at odds with the architectural character of the listed building. The proposal would lead to less than substantial harm to the designated heritage asset. It is not considered that the public benefits of this new building identified that would outweigh this harm. Thus, the proposals conflict with the requirements of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fail to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 132 and 134) Emerging Local Plan policy D5 and Policy HE4 of the City of York Development Control Local Plan.

### **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 discussed the Architect to consider amendments to the development due to the harm to the designated heritage assets associated with the proposed building. The Architect was unwilling to make changes. Thus notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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