

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 14 December 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01099/FUL
Application at: 1 Gray's Court York YO1 7JH
For: Construction of new electrical substation and associated service ducts
By: Mr John Edwards
Application Type: Full Application
Target Date: 30 July 2009

1.0 PROPOSAL

1.1 This application is presented to the West/Centre Planning Committee for a determination at the request of Councillor Brian Watson due to its potential impact on the setting of adjacent listed buildings and the character and appearance of the conservation area.

1.2 The application seeks planning permission for an electricity sub-station within the grounds of No.1 Gray's Court, a Grade I Listed Building within the Central Historic Core Conservation Area. It would serve the property and the wider area of the Minster Precinct.

CONTEXT

1.3 No. 1 Gray's Court lies within the Minster Precinct and is bounded by the City Walls. This area has an outstanding collection of important buildings, with over 40% of its listed buildings listed at Grade I or II,* (this compares to the national average of less than 10%). The adjacent City Walls are scheduled as an ancient monument.

1.4 Minster Court, the Treasurer's House and No. 1 Gray's Court form a significant group of early buildings once associated with the Minster. Together Treasurer's House and No. 1 Gray's Court enclose a courtyard approached from Chapter House Street. The expansive gardens to the rear of these buildings form an extensive open area of landscaped gardens which contrast with the tight-knit built environment of the city centre. In his " Buildings of England" series (Yorkshire: York and the East Riding), Pevsner describes the view from the court as being " open to a beautiful garden and the city wall beyond. "

1.5 The Minster Precinct has lost its sense of separateness to the south of the Minster as demolitions and new road connections have resulted in the loss of the gated precinct. However to the north between Dean's Park and the City Walls, the historic seclusion remains; experienced in the outstanding sequence of panoramic views from the City Walls over green areas and large gardens towards the Minster.

This part of the conservation area is away from the commercial activity of the walled city.

1.6 In its recent history following WWII, Gray's Court was leased to St John's College to house teaching departments and associated offices. In 2006, Members may recall that planning permission and listed building consent were granted to create one private dwelling with bed and breakfast accommodation and one self-contained holiday flat within the structure (LPA Refs. 05/02557/FUL and 05/02583/LBC).

PROPOSAL

1.7 The current proposal for the electricity sub-station would be sited within the grounds of Gray's Court, close to the city wall and the former coach house. The applicant states in the submitted Design and Access Statement that the electricity supply company CE Electric UK requires a new sub-station to be built within the site to serve the development of the property and the wider area around the Minster Yard. The proposed sub-station would be sited just over 1 metre (not 4 metres as stated in the submission) from the City Walls on part of a landscaped area/ driveway that separates the access to the coach house from the City Walls. The footprint of the structure would measure 4 metres x 4 metres, and it would be 4 metres high. It would be constructed in facing brick, with a natural clay tiled roof, and painted doors and timber louvres. There would be associated earthworks for trenching leading to the substation and within the substation. The building would be surrounded by a gravel hardstanding.

1.8 Scheduled Ancient Monument Consent was granted by English Heritage on 20 May for the electricity sub-station, associated service trenches and below ground drainage subject to conditions that included the following conditions-

CONDITION (iv)- The proposed sub-station shall be constructed of those materials to provide a match for the existing garden building

CONDITION (viii)- Excavation of the footings shall be restricted to a depth not exceeding 800mm and the excavation of the central trench shall be restricted to a depth not exceeding 900mm. The height of the entire sub-station structure shall be the minimum necessary.

1.9 Members are also advised that the Local Planning Authority has been involved in previous discussions regarding the supply of electricity in the area. Since July 2008, officers have been involved in the Minster's search for a new sub-station to improve the provision of electricity to the Minster and St Williams's College and to allow replacement cabling to the Minster that is required for health and safety reasons. A number of sites have been considered, and a site at Stone Mason's Yard is now at an advanced stage of discussions with CE Electric UK and the historic and amenity bodies prior to the submission of a planning application. It is intended that this facility would have the capacity to serve the Minster Precinct, and would be funded by the Minster. At the time of writing, the electricity supplier in the area, CE Electric UK, has advised that they have not been provided with details for a sub-

station at Gray's Court nor been asked to quote for a supply to Gray's Court from any new sub-station funded by the Minster.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core 0038

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 1; City Walls Bootham Bar To Monk Bar 0577

Scheduled Ancient Monuments GMS Constraints: SMR 13280 York Minster Precinct Inc. Section Of City Walls

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE9
Scheduled Ancient Monuments

CYHE4
Listed Buildings

CYHE2
Development in historic locations

CYHE10
Archaeology

CYGP1
Design

CYHE11
Trees and landscape

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections.

Environmental Protection Unit

3.2 Further information is required from the applicant to demonstrate that the construction material of the sub-station would be sound absorbing such that the low frequency sound pressure emitted by the transformer at full load would only be audible within a metre of the housing unit.

Design, Conservation and Sustainable Development (Conservation Architect)

3.3 Objections

Design, Conservation and Sustainable Development (City Archaeologist)

3.4 The groundworks for the proposed sub-station would disturb or destroy archaeological features and deposits which relate to the development of the legionary fortress. No objections to the impact on buried archaeological deposits subject to a recording condition that relates to the construction of the sub-station, associated services and trenches, in accordance with the requirement in the Scheduled Monument Consent letter of 20 May 2009. Would not support the location of the structure, its scale and its relationship to the City Walls.

EXTERNAL

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3.5 No objections but consider that the siting would be uncomfortably close to the City Walls and any features aiding blending into the landscape would help e.g. having green pantiles rather than a red roof.

English Heritage

3.6 The application site lies within the Scheduled Monument of the Minster Precinct, a multi-period site containing a number of nationally important monuments. Considered that the archaeological impact of the provision of a sub-station for Gray's Court could be mitigated by a scheme of archaeological recording during the works, whilst the fabric of the sub-station building should match that of the existing garden building to the north-west.

National Trust

3.7 Object as the proposal would affect one of the most iconic views of the city; the inter-visibility between the Treasurer's House and the City Walls. Highly visible from the nearby National Trust herb garden and the Treasurer's House. The apex of the roof and the proximity of the structure would rise half way up the railings and be visible to walkers of the Walls. Although the design of the structure would reflect existing garden buildings, it would be incongruous in such a sensitive location - off-set double garage doors and proliferation of warning signs. Note in the Scheduled Ancient Monument Consent for the ground works that there would be significant disruption to archaeology within the courtyard area, driveway and site. Disappointed

that alternative, less sensitive sites for the location of the building have not been openly considered. Consider the proposal would be contrary to Policy HE2 and HE9 of the Local Plan.

Civic Trust

3.8 Considers that there was confusion over pre-application advice for the proposal, raises questions about the scope of control of scheduled ancient monument consent, questions the need for a substation in this location if applicant does not intend to operate bed and breakfast operation. Considers that the proposal to operate a tea garden between the house and the Walls would be wholly unacceptable. The iconic view to the Minster from the City Walls would not be preserved or enhanced by any additional structure or inappropriate use of the garden in front of Gray's Court.

Other Representations

3.9 The application was advertised in the local press, near neighbours were consulted by letter, and site notices were displayed on the City Walls and on Chapter House Street. Thirty three representations and have been summarised into the following issues:

LOCATION

- Should be located closer to Minster and away from more densely populated area
- Site is not a suitable location for service provision for the Minster Precinct
- Inappropriate in a historical area, especially when seen from City Walls and surrounding properties; as such contrary to local plan policy HE2
- Should not be sited so close to protected buildings
- Better screened site location than garden area
- Would create a precedent in the area for developments close to City Walls
- Prejudicial to development of Monk Bar Garage site on Lord Mayor's Walk for residential purposes
- Impact on the amenity of walkers, joggers, tourist economy
- Location on landscaped edge of City Walls would erode and devalue the setting of the City Walls, proposed building would have no historic relevance to Walls

HEALTH CONCERNS

- No technical details about the installation
- Inappropriate in densely populated area near historic monuments- exploding; terrorism, vandalism. lightning strikes
- Not proven that there would be no harm to health
- Limit incoming voltage and megawatt capacity in densely populated residential area
- Impact assessment should have been carried out

DESIGN

- Eyesore, visually intrusive

- Poor match to existing garden structure
- Apex roof would be higher than City Wall and too close to it
- Tempting ingress point for vandals and criminals
- Contrary to Policy HE2 of the Local Plan

NOISE, POLLUTION/ LIVING CONDITIONS

- Low hum would be annoying to residents
- Disturbance during construction works

RADIO AND INTERFERENCE

- Poor TV reception would be aggravated

NEED

- Existing large 440v 3-phase supply in Ogleforth could be extended to serve Gray's Court
- Jeopardise historic walls and visual amenity of monument for applicant's own electricity needs
- No electricity supporting information
- No exceptional overriding circumstances have been demonstrated

OTHER

- Question validity of scheduled monument consent
- Incorrect information on application form misrepresents the position and consultation process
- Applicant has serious conflict of interest as an employee of the National Trust
- English Heritage comments are misleading, inaccurate and fail to address crucial aspects- location: commented on singular view from the Walls and not other views; any negative impact should be grounds for refusal; 2 garden buildings would not be read as a pair as 40 metres apart and separated by trellising and landscaping; works would not be reversible; need is not an issue that should be considered.
- Premature given the current liaison with the Dean and Chapter at the Minster about other sites for sub-stations

4.0 APPRAISAL

4.1 KEY ISSUES:

- proposed sub-station land use
- visual impact
- historic environment: archaeology and city walls
- living conditions of neighbours
- highway safety.

POLICY GUIDANCE:

4.2 Planning Policy Statement 1: Planning for Sustainable Development (PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 Central Government advice in relation to listed building control is contained within Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15) seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

4.4 Planning Policy Guidance Note No. 16 " Archaeology and Planning " sets out the government's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside. There is a presumption against proposals that would involve significant alteration or damage to nationally important archaeological remains, or have a significant impact on the setting of visible remains.

4.5 Planning Policy Guidance Note No. 24: Planning and Noise sets out national policy on noise issues related to new development.

4.6 The relevant development plan is the City of York Council Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre- inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH. It is considered that the following policies are pertinent to the application-

4.7 POLICY HE2 " Development in Historic Locations " of the City of York Development Control Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.8 POLICY HE4 " Listed Buildings " of the City of York Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.9 POLICY HE9 " Scheduled Ancient Monuments " advises that the desirability of preserving an ancient monument and its setting is a material consideration and planning permission will not be granted for development which would adversely affect a scheduled ancient monument or its setting.

4.10 POLICY HE10 " Archaeology " seeks to ensure that development in areas of archaeological interest respects the presumption in favour of the physical preservation of remains.

4.11 POLICY HE11 "Trees and Landscape " advises that landscape which is part of the setting of conservation areas, listed buildings and scheduled monuments should be retained.

ASSESSMENT:

PROPOSED SUB-STATION LAND USE

4.12 The applicant has submitted the current application for a sub-station within the grounds of Gray's Court that would supply electricity for future developments within Gray's Court and would additionally overcome the supply problems in the Minster Precinct. The applicant has advised that when the University of Ripon and St John vacated the premises approximately 4 years ago the electrical demand from the premises significantly reduced and the capacity in the network was re-allocated to meet demand elsewhere in the area. The applicant considers that the proposed sub-station in this site is needed to address this problem and promotes the proposed site as it is available, suitable, achievable and therefore deliverable. In his opinion the site has the benefit of being well screened, Scheduled Monument Consent has been granted for the structure, the site is supported by English Heritage (Letter of 6 July 2009), and a single sub-station would minimise operational development in this historic part of York.

4.13 CE Electric UK has advised the local planning authority and the applicant that the application site is premature as considerable negotiation would be required before agreeing to this location. In operational terms, the site is the least preferred option of a number of other locations that are being considered by the electricity company because it would be highly visible, would be the remotest from existing networks, and would require considerable lengths of excavation through sensitive areas. It is considered that the Minster would be unlikely to fund a sub-station at Gray's Court. Whilst it is appreciated that there is a pressing need to increase electricity supply in the wider area, it is considered that the application is premature in view of the wider search for the most suitable location for a replacement sub-station that would meet the technical and aesthetic constraints of the historic core of York.

VISUAL IMPACT

4.14 The proposed sub-station would be sited just over 1m (not 4m as stated on the submitted drawings) from the city wall in a slim bit of land adjacent to the access to the former coach house. The coach house forms an "end-stop" to the denser, smaller grained development towards Monk Bar before the site opens up to the expansive garden that is the setting of the Grade 1 Listed Building. The sub-station would be seen an independent structure unrelated in a meaningful way to the nearby buildings and garden walls. It would be closely associated with the City Walls having

its off-centre double doors facing towards the entrance to Gray's Court and would adversely affect the setting of the Walls as seen from the listed gateway in Gray's Court and from the surrounding garden areas. The proposed structure in this location would be inappropriate and would fail to take account of the wider landscape of the conservation area and adjacent buildings. The structure would relate uncomfortably with the City Walls, would be highly intrusive in views to the City Walls and views from the City Walls and existing gardens adversely affect the setting of the listed building/structures on the site. Policy HE11 of the Local Plan requires the retention of landscapes, including gardens, that are part of the setting for conservation areas, listed buildings and scheduled monument for buildings. The proposal would be contrary to this policy and Policy HE2 of the Local Plan that requires proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements that contribute to the character and appearance of the area. The development of this area for a sub-station would create a precedent that would result in the erosion of the very special character and interest of the area

4.15 Although the proposed sub-station would be constructed in materials that would match an existing garden building, this structure is over 40m away from the application site, is separated by walling and trellising, and is of a differing scale and mass to the proposed structure with off-centre double doors and vents that give the appearance of a sub-station or garage building. This detail aggravates the prominence of the structure in its unsympathetic location, adding to the harmful impact to the area, adjacent Walls and surrounding listed buildings further conflicting with Policies GP1 and HE4 of the Local Plan.

HISTORIC ENVIRONMENT: ARCHAEOLOGY/ CITY WALLS

4.16 Planning permission is also sought for the installation of service ducts that would involve trenching and ground disturbance. The application site lies within the central Area of Archaeological Importance, within the area of Scheduled Ancient Monument, and in an area which has produced evidence for features and deposits relating to the Roman legionary fortress. The site of the proposed sub-station lies immediately adjacent to the north east gate (porta decumana) of the legionary fortress where to date, no remains of this gate have been exposed. On the other side, immediately to the south east of the proposed sub-station, lies the site of a large stone building that was partially excavated and revealed in plan in 1860-61. The building had been set deep into the back of the defences: the earth bank had been completely removed and the building was separated from the fortress wall only by a tile drain. The building clearly had a complicated structural history and insufficient evidence was recorded to enable this to be unravelled.

4.17 It is probable therefore that the groundworks for the proposed sub-station would disturb or destroy archaeological features and deposits which relate to the development of the legionary fortress. In particular these deposits may include elements relating to the porta decumana and to adjacent ancillary structures. An archaeological excavation of these areas would be required to allow these deposits to be recorded prior to any construction of the sub-station and associated service and drainage trenches. This would accord with the requirement placed on the applicant in the Scheduled Monument Consent letter dated 20th May 2009 and the

requirements of Policy HE10 of the Local Plan that seek to preserve where possible or record archaeological affect deposits, ensuring that less than 5% of any archaeological deposits are disturbed or destroyed.

4.18 The City Archaeologist is concerned about the impact of the location and scale of the sub-station structure on the City Walls. The location of the sub-station would be a significant and unwelcome visual intrusion into an open area to the north west of the coach house. Although it might be argued that as the site was occupied in the 19th century by the Albion Iron and Brass foundry, this new development would be an unwelcome re-introduction in a sensitive area. The apex of the roof of the proposed building would come up to approximately knee height of someone standing on the adjacent city wall, significantly detracting from the way in which people will see and experience this space both from the walls and looking towards the walls. In addition, the rear wall of the proposed structure would be approximately 1 metre from the City Wall, leaving very little room to carry out future repair and restoration works to this section of the walls. It is therefore considered that the proposed sub-station would adversely affect the City Walls and would be contrary to Policy HE9 of the Local Plan and national guidance contained in Planning Policy Guidance Note No. 16 " Archaeology and Planning."

IMPACT ON LIVING CONDITIONS OF NEIGHBOURS

4.19 The building is relatively small and would be located far enough away from adjacent residential properties so that it would not to result in any harm to their amenity in terms of shadowing, enclosure or dominance. Concern has been received from adjacent residents about the impact of noise emission on amenity. The Environmental Protection Unit has requested further information about the proposed construction material that would absorb low frequency sound pressure emitted by the transformer at full load such that it would only be audible within 1 metre of the housing. Members will be updated with any further response from this request to the agent for further information at the meeting, and any resulting implications.

IMPACT ON HIGHWAY SAFETY

4.20 The existing access to the coach house would provide access to the sub-station and Highway Network Management raises no objections to the proposal. It is unlikely that the introduction of a sub-station would result in significant intensification of the access, and existing highway safety levels on the public highway network would not be compromised.

5.0 CONCLUSION

5.1 It is concluded that the proposed sub-station is not appropriate in such close proximity to the City Walls. It would harm the setting of a Grade 1 Listed Building, and would detract from important views and the character and appearance of the conservation area. No circumstances have been demonstrated that would justify

overriding the harm that is contrary to adopted planning policy and national planning guidance.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed sub-station due to its close proximity to the City Walls, its obtrusive and prominent impact in the open character of this part on the conservation area, its alien design in an historic setting would harm the visual amenity of and from the adjacent scheduled monument, have an adverse impact on the visual amenity of important landscape and iconic views, and harm the setting of the surrounding listed buildings contrary to Policies HE2, HE4, HE10, HE11, and GP1 of the City of York Development Control Local Plan (2005) and national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ," Planning Policy Guidance Notes Nos. 15 " Planning and the Historic Environment " and No. 16 " Planning and Archaeology. "

7.0 INFORMATIVES:

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