

## COMMITTEE REPORT

**Date:** 27 April 2011                      **Ward:** Guildhall  
**Team:** Major and Commercial   **Parish:** Guildhall Planning Panel  
Team

**Reference:** 11/00242/FULM  
**Application at:** The Purey Cust Nuffield Hospital Precentors Court York YO1 7EJ  
**For:** Conversion of former Nuffield Hospital and self contained flat to form 3no. apartments and 9no. houses  
**By:** York YO1 Property LLP  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 11 May 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to the former Nuffield Hospital site which is to the north of Precentor's Court and northwest of the Minster. The site is within the Central Historic Core conservation area close to the west front of the Minster within an area which formed part of the Minster precinct adjacent to Dean's Park. In spite of being contained within high walls the buildings are highly visible from the city walls and within Dean's Park. The site is scheduled as part of the York Minster Precinct, which protects the high masonry boundary walls as well as below-ground archaeology.

1.2 The two buildings affected by the application are the early C19th (1824-25) purpose-built residence for Minster Canons, Purey Cust Chambers (stone building in Tudor "Gothick" style at the north end of the site), and the attached former nursing home designed by Walter Brierley and constructed between 1914-16. The buildings were partially vacated when the hospital moved to its new site on Haxby Road around 2004. Some administrative functions initially remained in the building, although they have now relocated also and the buildings are unoccupied.

1.3 It is proposed to convert the buildings into residential use. The link between the two buildings would be closed and the Purey Cust Chambers would again become independent. It would become a single house, with a basement level garage at the northwest side in replacement of a C20 extension which would be removed. The former nursing home would be converted into 8 no houses, with the southwest wing off Precentor's Court divided as 3 single flats on each of its three floors, with their own access from Precentor's Court. Access for the houses would remain through the archway opposite the West Front. C20 additions at the rear of the Brierley building would be removed to allow rear gardens. The car-parking and green landscape would be rearranged to serve the individual dwellings. There would be minor modification to the stone walls within the site to give access and improve outlook for house 8.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings GMS Constraints:

Grade 2; Purey Cust Chambers Dean's Park

Grade 1; Arcade Of Former Archbishops Palace & Gates & Railings

Grade 2\*; 10 Precentors Court York

Grade 2; Dean's Lodge Walls And Gateways Dean's Park

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

### 2.2 Policies:

CYGP1	Design
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYH4	Housing dev. in existing settlements
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities
CYHE2	Development in historic locations
CYC3	Change of use of community facilities
CYNE6	Species protected by law

## 3.0 CONSULTATIONS

### Communities and Culture

3.1 As there is no on site open space commuted sums should be paid to the Council for amenity open space, play space and sports facilities. Contributions would be used to improve local sites such Museum Gardens or Clarence Gardens and sports facilities within the East or North Zones of the Sport and Active Leisure Strategy.

### Design Conservation and Sustainable Development

3.2 In general the scheme appears to fit well within the existing parameters of the site and there is little disturbance to significant elements of the buildings and structures. The heritage values of both buildings would be improved in different ways: the original interior of Purey Cust Chambers would be better revealed and its setting would be enhanced, views onto the Brierley building from the city walls would be enhanced. Officers welcome the scheme as helping to conserve important historic buildings at the heart of the conservation area. Although front gardens will improve the immediate setting of the new houses officers raised concern that the extent of car-parking would undermine the appearance of the site from the entrance drive and views into the site through the gateway outside the West Front.

Countryside officer

3.3 No objections. There is evidence bats were present at the host building in the 1980's. However there have been no more recent sightings. The buildings to be demolished have little or no potential for bats and no evidence of bats was found by either the applicant's survey or during a site visit made by officers.

3.4 Officers have asked for a method statement and mitigation strategy to ensure that bats are taken into account with all aspects of the work, in particular during any demolition work, internal alterations or any maintenance work to the roof.

3.5 The proposed works to the roof to be retained provides a good opportunity for habitat enhancement work to benefit bats and bird species which use buildings and it is asked that this occurs. This would be especially beneficial within this overall location, which provides excellent foraging habitat and roosting opportunities.

#### Environmental Protection Unit

3.6 No objection.

#### Highway Network Management

3.7 Do not object, however note that emergency vehicles will be unable to access the site due to the boundary wall and ask that North Yorkshire Fire and Rescue are consulted. Also refuse collection vehicles will not be able to enter the site and arrangements for bin storage and collection are requested. Officers would prefer a turning space close to the new garage and for private, rather than shared cycle stores.

#### Conservation Areas Advisory Panel

3.8 Suggest permitted development rights are removed for the houses to retain the conformity of the overall building.

#### English Heritage

3.9 The works will affect the York Minster Cathedral Precinct, a Scheduled Ancient Monument. Works will be limited to landscaping, changes in levels and works to the stone wall within the site. English Heritage do not object to these works and advise that an agreed scheme of archaeological mitigation, for the groundworks to accommodate the garage, will be covered as part of the required Scheduled Ancient Monument Consent.

#### Policy Architectural Liaison Officer

3.10 Support the scheme.

## Guildhall Planning Panel

3.11 Support the application; welcome the scheme which brings the building back into use.

### Publicity

3.12 Occupier of The Lodge adjacent the site - support in general but against relocation of the car parking closer to The Lodge. Although overall there would be less parking noise from cars coming and going could cause disturbance. Asks whether access can be restricted as the open access (while the site has been vacant) has encouraged anti-social behaviour on-site.

3.13 No.10 Precentor's Court - the boundary wall is connected to some of the buildings to be removed. For security and to prevent overlooking it is asked that the existing level of the wall be retained. Unhappy with the creation of the access alley at the rear; the area could become untidy and lead to noise disturbance as a consequence of people coming and going. Ask about waste collection strategy, as would not want waste placed outside no.10. Ask for obscure windows on the upper levels of the rear elevations to some of the houses which would overlook the rear garden of 10 Precentor's Court.

3.14 Objection to demolition of buildings which would have an adverse impact on the setting.

## **4.0 APPRAISAL**

### 4.1 Key issues

- Principle of development
- Design and impact on the conservation area
- Historic and architectural interest of the listed building and archaeology
- Residential amenity
- Sustainability
- Species protected by law
- Highway network management
- Open space and Education provision
- Drainage

### Principle of development

4.2 Policy C3 of the Local Plan states permission will only be granted for the change of use of community facilities (including health facilities) where the proposal is of a scale and design appropriate to the character and appearance of the locality; and it can be demonstrated that the existing facility is no longer needed or alternative sites can be provided.

4.2 The proposals do not conflict with policy C3. The proposed development is a change of use of existing buildings, removing later extensions, and as such the scale

and design of the scheme is appropriate. The facility is no longer needed for the former medical use which relocated from the site to alternative facilities in 2006; the site has been vacant since.

#### Design and impact on the conservation area

4.3 Policy GP1 of the Local Plan relates to design principles to be applied to all types of development. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.4 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. HE3 requires that developments at least maintain the appearance of conservation areas.

4.5 The proposed development will enhance the appearance of the host buildings and their setting. Presently from the city walls views of the buildings as originally intended are screened by prominent unsympathetic later additions. These would be demolished and original fabric revealed. The appearance and setting of the Purey Cust Chambers will be enhanced through the removal of the ramped access and an area of car parking which would be replaced with a garden area. The new garage would be at basement level, it would be subordinate in scale to the Chambers and views of the site from the city wall would be enhanced as the garage would be lower than the structure it would replace and the sedum roof would appear as part of the landscaping around the building.

#### Historic and architectural interest of the listed building and archaeology

4.6 The Town and Country Planning Act regulations advise that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, and any features of special architectural or historic interest. This is re-iterated in policy HE4 of the Local Plan. Policy HE10 of the Local Plan relates to archaeology and requires that at least 95% of archaeological remains are preserved during development.

4.7 The proposals are deemed to be sympathetic to the grade 2 listed buildings and walls onsite. This issue is fully considered in the companion application for listed building consent: 11/00342/LBC. Archaeology will be dealt with accordingly through the required Scheduled Ancient Monument Consent.

#### Residential amenity

4.8 Policy GP1 requires development proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance. Nearby houses are 10 Precentor's Court to the northwest and nos. 6 and 7 to the southwest which

are on the opposite side of the street to the proposed apartments. The unauthorised use of the site will be restricted through re-occupation.

4.9 The extensions that would be removed did not have any windows facing the rear of no.10 Precentor's Court. From the rear garden of no.10 the rear elevation of the proposed houses would be some 9m away. The upper floor windows would serve bedrooms and bathrooms. The windows would be a reasonable distance away and the rear garden can already be overlooked by the public from the elevated City Walls on the opposite side. There would not be undue overlooking introduced. In addition the removal of the extensions that abut the boundary would improve levels of natural light gain to the rear garden and reduce any present levels of overshadowing.

4.10 Precentor's Court is only around 6m wide and accordingly there will be a limited separation distance between the windows in the proposed apartments and no.7 opposite. This is an established arrangement, and would apply when the building comes back into occupation. On this basis, the level of overlooking is not grounds to refuse the scheme, or to require obscure glazing to the kitchen/dining room windows in each of the apartments. It is also noted that the glass to the windows on the upper floors is historic and to add film or similar to the glass would have an adverse impact on the character and appearance of the building.

#### Sustainable development

4.11 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with development proposals. The development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. The document asks that all new housing conversions of 5 or more units achieve a code for sustainable homes rating of 3 stars or more, and that minimum requirements are met with regards site management during construction, waste prevention, and renewable energy.

4.12 The sustainability statement submitted with the application advises it is expected the scheme will achieve at least a code for sustainable home rating of 3 stars. The development will be energy efficient but no on-site renewable energy measures are proposed. The building is listed and in a sensitive location, being viewed from the city walls and within the City Centre Area of Archaeological Importance. As such retrofitting additions to the building such as panels on the roof and air or ground sourced heat pumps would detract from the historic environment. It is accepted the development can occur without generating its own energy, in particular as the buildings will be upgraded in terms of insulation, and other sustainable measures will be included in the development such as reductions in surface water run-off and habitat creation on-site (for birds and bats).

#### Species protected by law

4.13 Policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy

NE7 asks that where possible, developments include measures to enhance or supplement existing habitats and habitat creation is encouraged.

4.14 The application site provides a good foraging location for birds and bats due to the amount of tree cover in the area. The host building has been inspected and a desk based assessment undertaken which confirms there is no evidence of bats within the host building, and the buildings to be demolished have a low potential for accommodating bat and bird habitat. The information submitted with the application advises suitable habitats for bats and birds can be accommodated within the proposed scheme, this is welcome and consistent with policy NE7. It can be secured through a suitably worded condition.

#### Highway considerations

4.15 Policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards the Local Plan.

4.16 A communal store is proposed for cycles. Whilst private storage is preferred, the proposed scheme fits comfortably with the buildings onsite. Furthermore there would be space in each private garden if required for storage. It can be secured through condition that means of securing cycles within the building are provided and in this case the arrangement is logical and acceptable. In respect of a turning head for the new garage to the rear of house 9; while long reversing manoeuvre may be necessary this would not impact on the public highway nor on the adjacent dwelling's parking area. House 9 has additional parking to the front and as such it is not necessary at this stage to provide a turning space by the garage. A turning space could be added in future if necessary.

4.17 The entrance arch precludes access by fire and waste collection vehicles. These are constraints of the site which applied also to the previous use. The site will be managed and a condition will require an acceptable strategy to be agreed with regards waste collection. The fire service has been consulted and their comments are awaited. An update on this matter will be provided at committee.

#### Open space and education provision

4.18 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 states that in considering proposals for new residential development, any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities. There is a legal agreement associated with the application which requires the developer to make an adequate contribution toward open space and £35,117 toward secondary school places as there is presently no capacity at such schools within the catchment area.

## Drainage

4.19 Of the Local Plan Policy GP15a: Development and Flood Risk advises sustainable drainage schemes are encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.20 The site is not in an identified flood risk area. It is proposed to reduce the amount of hardstanding on-site and there will be no change in levels. As such surface water run-off rates would be reduced and there will be no increased flood risk elsewhere. Overall the scheme complies with policy GP15a.

## **5.0 CONCLUSION**

5.1 The scheme is supported as it secures the long term future of listed building(s), enhance their environmental performance and will significantly improve their appearance and setting. There will not be an undue impact on the amenity of surrounding occupants and highway safety.

## **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:-

Proposed site plan 202B

Existing plans and elevations: 223, 220A, 221A, 222, 228, 210, 211.

Proposed floor plans: 227A, 224A, 225A, 226A, 229A.

Proposed elevations: 212A, 213.

Proposed garage: 281.

Proposed doors to Brierley Building: 250.

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

3 PD1A Removal of specific Perm Dev rights - A, B, C, D, E, F, H

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those on the approved plans, or as agreed as part of the overall landscaping scheme for the site.

Reason: In the interests of visual amenity on this site which is sensitive because of its conservation area location and due to the setting of the listed building.

5 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 The development shall accord with the LHL Sustainability Statement submitted with the application. In addition the developer shall adhere to site management principles equivalent to those identified in the considerate constructor's scheme and the following water efficiency measures shall be incorporated into the approved residential units:

- Dual flush toilets
- Showers with nominal flow rates of less than 9 litres/minute
- Flow restricted spray taps

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such development. The development shall be carried out using the approved materials. Rainwater disposal goods shall be cast iron to match the existing and decorative fittings shall be retained.

Reason: In the interests of the appearance of the listed building.

8 Prior to first occupation of the development hereby approved, a detailed hard and soft landscaping scheme, including the number, species, height and position of trees and shrubs to be planted and the type and height of all boundary treatment shall be submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the setting of listed buildings and the character and

appearance of the conservation area.

9 Details of any additional external lighting, to include the design and location of light fittings and amount of lightspill, shall be submitted and approved in writing by the local planning authority prior to installation. Lighting shall be installed accordingly thereafter.

Reason: In the interest of the setting of listed buildings and the appearance of the conservation area.

10 The area shown as cycle and bin storage on the approved ground floor plan, drawing 224, shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. Details of the means for securing cycles within the store ( "Sheffield" type stands; also sub-division to provide semi-private stores is preferred) shall be submitted to and approved by the Local Planning Authority and the development carried out accordingly prior to occupation.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and PPG13: Transport.

11 Prior to first occupation of the development hereby approved, a management plan for waste collection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: In the interests of the appearance of the conservation area and residential amenity.

12 The development shall take accord with section 11 of the submitted Bat Scoping Survey by MAB dated January 2011. (The survey requires an additional emergence survey to occur and subsequent mitigation strategy).

Reason - To take account of protected species, in accordance with PPS9: Biodiversity and Geological Conservation and policies NE6 and NE7 of the Draft Local Plan.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1 REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on heritage assets, amenity, provision of open space and education facilities, species protected by law and highway safety. As

such the proposal complies with Policies GP1, HE2, HE3, HE4, H4, L1c, ED4, C3, NE6 and NE7 of the City of York Development Control Local Plan.

## 2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

## 3 CONTROL OF POLLUTION ACT 1974

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323