

## COMMITTEE REPORT

**Date:** 2 December 2021      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 21/01536/LBC  
**Application at:** The Minster School Deangate York YO1 7JA  
**For:** Change of use of former school, to the York Minster Refectory (use class E), to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, internal alterations, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub  
**By:** Mr Alexander McCallion  
**Application Type:** Listed Building Consent

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1. The application site comprises of the former Minster Song School building and adjacent lawned area located to the southern side of Deangate. The site currently consists of the school building, the lawned area to the North West and a large area of hardstanding to the front. Access to the site is taken directly from Deangate.

1.2. Listed Building consent is sought for the change of use of the site to form York Minster Refectory (Use Class E). The proposals include the provision of a new restaurant, kitchen, provision of plant equipment, formation of level access, the installation of a lift, provision of new service doors, re-roofing of the building, provision of solar PV equipment, external repairs and the creation of a new public open space; to include external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub.

1.3. The song school building is Grade II Listed. The site is located within the Central Historic Core Conservation Area, a defined Area of Archaeological Importance and is also located within the Scheduled Monument designation area of York Minster Precinct.

1.4. The site ceased use as the Minster School in Summer 2020 when The Chapter York, who are responsible for the upkeep, running and operating of the Minster estate, decided to close the school.

## RELEVANT PLANNING HISTORY

1.5. An accompanying application for Planning Permission has also been submitted under reference 21/01535/FUL - Change of use of former school, to the York Minster Refectory (use class E), to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, internal alterations, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub.

## 2.0 POLICY CONTEXT

### NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) 2021 was published and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4. The application site is located within the Central Historic Core Conservation Area and forms part of The Minster Precinct, a Scheduled Monument. The site also falls within a defined Area of Archaeological Interest. There are also a number of Listed Buildings within the vicinity including the Grade I listed Church of Holy Trinity situated immediately to the South.

2.5. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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2.6. Case law has made clear that a finding of harm to conservation area or listed building or its setting is a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise to give effect to its statutory duties under section 16 of the 1990 Act. There is a “strong presumption” against the grant of listed building consent in such cases.

#### PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.7. The DLP was submitted for examination on 25<sup>th</sup> May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.8. Key relevant DLP 2018 policies are:

- D1 – Placemaking
- D2 – Landscape and Setting
- D3 – Cultural Provision
- D4 – Conservation Areas
- D5 – Listed Buildings
- D6 – Archaeology

#### MINSTER NEIGHBOURHOOD PLAN (Submission Draft April 2021)

2.9. The York Minster Precinct Neighbourhood Plan was submitted to the City of York Council for independent examination on 26<sup>th</sup> April 2021. Given the stage of preparation that the plan has reached, the policies contained within it are capable of being a material planning consideration of a planning application. However it does not form part of the adopted development plan until such time as it has been fully adopted. Relevant policies within the neighbourhood plan are:

- A1 – Purpose and Ambition
- A2 - Sustainable Development

A4 – Design Excellence  
B1 – Landscape and Biodiversity Net Gain  
C1 – Historic Environment  
PA1 – Minster Yard and College Green

## DRAFT LOCAL PLAN 2005

2.10. The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The 2005 plan does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004. Its policies are however considered capable of being material considerations in the determination of planning application where policies relevant to the application are consistent with those in the NPPF although the weight that can be attached to them is very limited.

2.11. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development which means, for decision taking:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - The application of policies within this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

## 3.0 CONSULTATIONS

3.1. Guildhall Planning Panel: Objects. 'We are concerned about the architectural clutter of the proposed gazebo at the front of the existing building as it would seem to be unnecessary way of spoiling the façade. Perhaps landscaping details could be simplified as its out of keeping with the surrounding area.'

3.2. CYC Design and Conservation: Object in principle to the approach taken to the conversion as detailed in the application documents. The harm the proposals will cause to the setting of the Minster and other Listed Buildings, the character and appearance of the Conservation Area and the significance of the listed building itself are, in my view, completely unacceptable. It appears that a commercially driven

approach to conversion is outweighing heritage significance here. The Heritage Statement is written in such a way that it simply dismisses the harm as unimportant due to the benefits of bringing the building back into use in the very focused and uncompromising way. In simple terms a more balanced approach is required whereby the commercial needs are assessed against the many positive heritage significances the site possesses. Whilst I recognise the need to improve energy efficiency the Solar Photovoltaic Panels or slates are completely unacceptable in this particular location. They will have a detrimental impact on the significance of a large number of heritage assets and their significance. The issues are numerous in heritage terms but involve the loss of historic fabric to facilitate the installation, and, the appearance of the panels/slates and their effect on character and appearance. The use of PV's is also questioned as I understand they will require regular replacement; their efficiency reduces over time; and, and they do not have the same appearance as a traditional slate roof. In my opinion the proposals are at the greatest level of 'less than substantial harm' and I do not think the public benefits outweigh this level of harm. I would point out that the phrase 'less than substantial harm' should not be confused with 'no harm'.

3.3. CYC Archaeologist: No objections raised but does request the use of a condition to secure a programme of post determination archaeological mitigation.

3.4. Historic England: In principle, we are very supportive of the scheme as we consider the new use to be compatible with the heritage values and significance of the building, its setting and the setting of the surrounding listed buildings. The scheme has the potential to secure the sustainable future for the vacant former song school in a role that makes a significant contribution to York Minster's visitor offer. We do not support the addition of Solar PV panels on the principal west and east elevations of the listed building. The lift shaft on the east side of the building will be set back from the principal elevation and sit below the existing ridge line. We do not considered that this will significantly detract from the aesthetic value of the building. It also offers a way of improving the accessibility of the building as a whole without unduly comprising the internal space. We welcome the gradual regrading of the pavement in order to avoid the introducing of new steps, ramps and railings. We appreciate the challenges in adapting the listed building for the use proposed. Nevertheless, the building has accommodated uses in the past that have not paid particular attention to the historic features of the building, so we recognise that there is the opportunity to reverse some of the harmful impacts and better reveal the historic character and form of the building.

3.5. A further consultation response was received from Historic England on 12<sup>th</sup> November 2021 following the submission of additional information relating to the provision of PV Equipment on the building by the applicants. In their follow up

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comments they advise that Historic England does not object to this element of the scheme and that they defer to the LPA on the determination of the preferred alternative – but asks that the LPA satisfies themselves that enough evidence supports the chosen approach and the public benefits outweigh the degree of harm caused.

3.6. The Georgian Group: The Georgian Group have no objections in principle to the change of use. The proposed new use has potential public and heritage benefits. The proposed landscaping will undoubtedly be an improvement. However we do have concerns regarding the proposed use of solar panels on the principle East and West elevations. This alien addition would cause a degree of harm to the significance of this listed building. It is commendable to attempt to improve the thermal performance of this historic building, however, the adverse impact of the proposed solar panels would outweigh any potential benefits. We urge the applicant to revise their proposals and omit the solar panels.

#### **4.0 REPRESENTATIONS**

4.1. The proposals have been advertised via site notice and local press notice. A total of 10.no letters of support and 1.no letter of objection have been received.

4.2. The comments received in support of the proposals can be summarised as follows:

- The Minster should be commended for not only seeking a way to sensitively provide hospitality to visitors but also by addressing accessibility.
- I record my support for the installing of Solar PV Panels
- Conservation is the management of change. Can the city please show some leadership and encourage the well considered adaptation in our response to the climate emergency.
- It is of particular importance that heritage sites move forward to embrace the opportunity to protect whilst demonstrating a commitment to sustainability.
- The creation of a new green space in the precinct will provide a space for residents and visitors to appreciate the magnificent surroundings.
- This will transform the area in a sustainable way.
- We are particularly supportive of the emphasis on environmental sustainability.
- The proposals are an exciting opportunity for the re-use of the Minster School.
- Support the use of Solar Panel and their use on the roof.
- Cities need to invest in clean renewable energy
- The solar panels are not going to threaten the historic value of the Minster

4.3. The comments received in objection to the proposals can be summarised as follows:

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- An accurate and robust noise assessment needs to be conducted.
- A noise management plan is required.
- Time limits are required on the outdoor seating area.
- Any amplified music should be limited.
- All bottle bins are emptied in accord with current conservation area policy.

4.4. The comments received in objection are noted. However they are not considered to be relevant to the determination of this application for Listed Building Consent. These matters are dealt with under the associated application for planning permission which is being considered under reference 21/01535/FUL.

4.5. A letter of representation has also been received from the York Civic Trust. Their comments can be summarised as follows:

- There needs to be balance between converting the building and preserving historic features.
- The locating of the toilet block on the first floor in the central wing is unfortunate and raises concerns over the most appropriate use of the historic space. More thought could be given to whether the toilets remain located on the ground floor, allowing the first floor to be fully opened up.
- It would also provide level toilet access without having to use the stairs or lift.
- The lift shaft will unbalance the otherwise harmonious symmetry of the building.
- The access route to the main building is important. A turning circle for deliveries will be required.
- The trust does not object to the proposed installation of PV panels in principle. However more information is required to allow us to support this aspect.
- Clear and convincing justification of any substantial impact on the reduction of carbon emissions of the building would help strengthen the argument.
- The trust supports the principle of the application and the reuse of the building. However we fall short of supporting the application in its current form without greater consideration being given to the positioning of the toilet block and the aesthetic impact of the lift shaft and justification of PV panels.

## **5.0 APPRAISAL**

### Key Issues

- Impact upon the Listed Building and other Heritage Assets.

### **IMPACT UPON THE LISTED BUILDING AND OTHER HERITAGE ASSETS**

5.1. As is set out in earlier sections of this report; the site is located within an area where there are numerous designated heritage assets and the site itself is also a

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designated heritage asset, being a Grade II Listed Building and also falling within the Minster Precinct scheduled monument area.

5.2. Paragraph 189 of the NPPF states: 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of outstanding universal value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

5.3. Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4. Paragraph 197 of the NPPF goes on to state: 'In determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to the local character and distinctiveness.

5.5. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.6. Paragraph 200 then states that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.7. The NPPF makes a distinction between proposals which cause 'substantial harm' to a designated heritage asset (paragraph 201) and those which lead to 'less than substantial harm' (paragraph 202). It does not automatically mean that less than substantial harm is more acceptable; rather that it means that a different test is



applied. Paragraph 196 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, where appropriate, securing its optimum viable use.

5.8. At present, since the closure of the Minster School back in the summer of 2020, the site has not been in active use. The only access to the building and the site has been for the purposes of on-going maintenance and management by the Minster and their appointed contractors. This would be in direct contrast to the active use of the site as the Minster School which would have seen activity and near daily basis – with the outside space being utilised for the purposes of teaching and recreation at the school.

5.9. The maintenance and upkeep of all the buildings within the Minster precinct is a continual cycle of projects. Multiple projects are often ongoing in parallel to one another. The closure of the school in itself brings possible risks to the Listed Building and the wider conservation area which could be considered to be detrimental to the wider Minster precinct.

5.10. There is always an inherent risk that if a building is not in active use it can fall into a state of disrepair. The risk when this occurs to a Listed Building can be a cause for greater concern given the historic significance and the possible implications when historic fabric or features are lost. Whilst there is no suggestion that this would be the case here; or indeed that the building is in any immediate risk. Were the building to lay vacant for any prolonged period it would ultimately begin to be increasingly detrimental feature within the Conservation Area and Minster Precinct; ultimately being of detriment to the character and setting of other listed buildings and monuments within the vicinity, including the Minster.

5.11. The reality is that the operation of the Minster as a visitor attraction and the success of that venture is inextricably linked to the on-going upkeep and maintenance of the precinct and the buildings within it.

5.12. The York Minster Conservation Management Plan Volume 2 details a series of issues and opportunities for the Minster School building. It notes that following closure of the school a new use for the building is required; noting that a refectory is proposed within the daft neighbourhood plan. The Conservation Management Plan states that this could be of substantial public benefit, increasing the amount of publicly accessible green space, provide public access to the building and enable the public to enjoy the superb views of the Minster.

5.13. The management plan also highlights that whilst the inserted floors are not original and effect the form and function of the original full height volumes of the building. The inserted floors have a vital function to play in the use and life of the building, providing important accommodation which will be critical to viability. The rooms are also highlighted as providing important views of the Minster. The management plan goes on to state that accessibility for all these floors will need to be provided.

5.14. With regard to the grounds. The management plan outlines the need to reduce the amount of hardstanding and the historic axial arrangement reinstated. Stating that careful consideration should also be given to the final arrangement of the grounds and their boundary treatment – in order to create an exceptional public realm in this part of Minster Yard that enhances the setting of the cathedral and provide significant benefits for residents and visitors alike.

5.15. Referring back to paragraph 195 of the NPPF. It is necessary to identify the heritage assets which may be affected by the proposals. In this particular case the heritage assets which may, most likely, be affected by the proposals are; the Minster Precinct (scheduled monument), the Minster Song School building (Grade II Listed) and Central Historic Core Conservation Area (which, along with the Minster Precinct, provide the general public realm and environs to the Minster and the former School).

5.16. The Minster Precinct would be considered as being of exceptional evidential and historic significance. Views toward the Minster would also be considered to be of exceptional significance. Overall the significance of the Minster Precinct would be considered to be exceptional due to its evidential, historical and aesthetic values, particularly its near views towards the Minster. However some aesthetic treatments of public spaces and Deangate could be considered detracting.

5.17. The Minster School building itself (Grade II Listed) would be considered to be of exceptional evidential significance. However overall the building would be considered to be of some significance due to its evidential, historical and associative values, although the aesthetic value of its view of the Minster is considered exceptional. Many of the internal interventions in the twentieth century are considered detracting, as is its current lack of use.

5.18. The Central Historic Core Conservation Area and the general environs of the applications are considered, overall, to be high due to its evidential, historical, and associative values of its views of the Minster. However the current aesthetic treatment of the area is considered to be detracting.

5.19. As part of the submitted details the applicant has provided a Heritage Impact Assessment which covers the various elements of the proposals and rates the impact these will have upon the listed building and wider conservation area.

5.20. The HIA highlights that the proposed landscaping works will have a moderate positive impact upon the approach from Deangate as a result of opening the space up. The landscaping within the curtilage of the site, creation of the sensory garden and kitchen garden are regarded as being High Positive. These elements will see the removal of the existing car park to the front of the school whilst the landscaping and garden elements bring the potential for biodiversity gains.

5.21. The proposed patio area and parasols are regarded as being of minor detrimental harm. It is acknowledged that these elements will create fixed features immediately within the foreground of the building and its frontage. They may also, from certain points impede some views of the Minster. There is also the risk, given the need for ground fixings that some archaeological disturbance could occur. However the applicant justifies this on the basis that these elements will instead allow for the creation of a more planned landscape; which will negate the need for more ad-hoc or temporary fixtures which in themselves could cause greater harm. They also note that the outdoor space will be of importance, particularly during the summer months, allowing people to enjoy the Minster and the wider precinct.

5.22. The creation of the gazebo area has been rated as having a moderate positive impact. This is due to it removing the current poor landscaping features including the dated play equipment, with enhanced landscape elements for public benefit.

5.23. The provision of the passenger lift and the required external lift shaft have been assessed as being of Minor-Moderate Detrimental. The applicant justifies this harm on the basis that inclusive access is a key objective of the Precinct Neighbourhood Plan. The negative impacts are acknowledged as being the lift rising above the single storey element, creating a modest visual impact with a narrow line of sight. However the location of the lift outside of the original plan form of the building is considered to be the least harmful option. The placement minimises negative visual intrusion on the key spaces and enables space within the building to be optimised. There will also be mitigation by design and detail; with the lift being clad as a neutral element. In addition to this, as noted by Historic England, the lift shaft is set back from the principle elevation and set down beneath the ridge of the building.

5.24. Various alterations are proposed at first floor, including the provision of ancillary facilities such as toilets. This will require the sub-division of the central upper room. This is acknowledged as having a minor detrimental impact. However

any public use of the building must have the required spaces and facilities both for customers and staff to allow it to function. The space is currently sub-divided as a classroom. However the proposals would allow for the partition walls to be better designed specifically to better reveal the roof trusses and exterior windows. They would also allow for the opening up of two interior blocked windows. Concerns have been raised by interested parties relating to the subdivision of the first floor. However the relocation of the toilets to the first floor is also considered by the applicant, to enhance higher status ground floor spaces. Weight is also given to the fact the first floor is already heavily sub-divided at first floor.

5.25. One component of the proposed development is the provision of Solar Photovoltaic (Solar PV) equipment on the roof of the existing building.

5.26. The threat posed by climate change is not diminishing. The Council itself declared a Climate Emergency in 2019. Decarbonisation cannot be achieved solely by new build development utilising energy efficiency and measures to decarbonise. There is an important role to be played by existing buildings through measures such as improving existing built fabric and efficiency and also the retrofitting of measures to buildings.

5.27. However, the issue that is then presented is the nature of competing legislative and regulatory frameworks and policies. These are often seeking to achieve completely opposed objectives which can be wholly incompatible with one another. In this case the applicant is proposing the provision of Solar PV equipment which it is stated would be expected to provide a 15% reduction in carbon. However such measures can, dependent upon their finer detail and execution, be diametrically opposed to the more protectionist policies and legislation which relate to heritage assets such as Conservation Areas, Listed Buildings and Scheduled Monuments.

5.28. This can create a very delicate situation where, if possible, these competing objectives have to be in some way balanced. However the ability to do this will be extremely dependant upon the subject site and/building. There cannot and is not a one size fits all solution. There are a host of considerations which must be weighed together, not just the potential to decarbonise. The potential for harm to be caused to heritage assets must be considered. Retrofitting will not suit all scenarios as the host building has to be capable of accommodating retrofitted equipment. Advancements in technologies will always create a fluidity to this situation, in that as new products and solutions are developed they may become an increasing number of suitable solutions for use in historically sensitive settings.

5.29. Amongst the various consultation responses and comments received the matter of the proposed Solar PV equipment has been raised both in support and objection to the proposals, including, initially, an objection from Historic England.

5.30. In their consultation comments English Heritage state: 'We do not support the addition of solar panels on the principal west and east elevations of the listed building. As a non-traditional material this would not be in keeping with the historic character of the highly significant elevations. As a landmark building in the conservation area, with a visible roofscape, the appearance of the building from a distance is very important. The justification is lacking as there are likely to be more appropriate, less visible and more discreet locations for solar panels within the Minsters estate, avoiding the harmful impact on the significance of the listed building.'

5.31. Since these comments were received the applicant has explored alternatives. When originally submitted the proposed PV panels were proposed as being a cassette type unit which whilst they would have been integrated into the roof they would have nonetheless led to a very visible intervention in the roof plane of the building.

5.32. However the applicant is now proposing the use of Solar Slates on the roof, instead an integrated cassette type solution. The Solar Slates are based upon a traditional welsh roof slate in terms of their dimensions, colour and general appearance. The only notable difference in their appearance is that the exterior face of the slate has the appearance of being sealed with a polymer type coating – akin to a varnish. It is this coating which provides the generating capability. Historic England have subsequently removed their objection to the PV panels leaving the decision to the LPA.

5.33. The applicant has suggested two potential approaches. One would be to use the Solar Slates but retain a section of the Westmorland Slate on the rear elevation and here install the integrated cassette type PV panel as they had originally proposed. The alternative option would be to use the Solar Slates throughout the entirety of the roof with the exception of an outer boarder which is required to house the solar slates.

5.34. Both options would, as the original proposals would have done, result in harm being caused to the roof of the building. The assessment that must be made is whether the extent of the harm that would be caused and the possible benefits, if any, from that harm can be balanced.

5.35. The proposed use of Solar Slates would allow for the visual appearance of a slated roof to be maintained on the building; removing the issue of an obvious non-traditional intervention which would result from the previously proposed integrated cassette type panels. The slates also have a similar operational lifespan of approximately 25 years; which is comparable with other Solar PV solutions. It however result in the loss of historic fabric, namely the existing slate roof. Although this is believed to have been re-roofed/repared in the 1980s.

5.36. There are some drawbacks to the use of Solar Slates. They cannot be used to slate the full extent of the existing roof planes. An outer boarder of traditional slates has to be maintained to enclose the PV system. This in turn has the potential to create a visual differential between the traditional slates and solar slates – however in example images this not considered to be significantly discernible. Furthermore the Solar Slates are based upon a traditional Welsh slate which are typically grey with blue tones. In contrast much of the slate typically used within the minster precinct is Westmorland; which whilst still being grey typically contains more green tones. Therefore there is the risk that this aspects of the proposals would introduce an potentially alien detail. This could cause a notable visual impact given the general prominence of the building and its proximity to other slated roofs.

5.37. The assessment that therefore needs to be made is whether these drawbacks would be of such a scale or extent that would amount to significant harm being caused to the heritage asset of the host Grade II Listed Building but also to the wider Conservation Area and the character and setting of the Minster precinct.

5.38. With regard to the two potential approaches the applicant could adopt in terms of the extent of the use of the Solar Slate. In any event the building needs to be re-roofed, therefore the existing roof as it sits on site today will be subject to works. The approach whereby solar slates are used with a section of Westmorland being retained at rear, over which integrated cassette type PV panels would be installed would allow for, a part, of what would likely constitute the original roof to be retained. However this retained element would ultimately be obscured via the installation of the solar PV cassettes. In addition to this it would create a scenario where there are three differing roof coverings across the building. The alternative to use solar slates throughout would create a more consistent visual finish to the roof and would be achieved using a more rationalised palette of materials.

5.39. The visual differential between the Solar Slates and the traditional slates which would enclose the system is not considered to be unduly excessive to a point that would be considered harmful to the visual amenity, character and setting of the built environment. The impact of this would also dimmish further in long range and distant views of the building. Visually therefore this should allow for the appearance of an

unaltered slate roof to be maintained – whilst also bringing about the advantages of introducing Solar PV equipment into the precinct.

5.40. Within the submitted Heritage Impact Assessment the installation of the Solar PV has been rated as Low Positive. The justification being that the building needs to respond to the climate emergency. A response which it could be argued brings about a public benefit; as decarbonisation should, generally, be of benefit to society as a whole.

5.41. On balance it is considered that whilst this aspect of the proposals would result in less than substantial harm, albeit toward a moderate level within the scale, being caused to the listed building and the wider setting of the conservation area; by virtue of the loss of the Westmorland slate roof. The proposals would allow for the provision of low carbon technology within the precinct – a matter which is of high priority to the applicant, in a manner which would be considered to be as discreet as it can be (owing to the particular solution being proposed) whilst still maintaining the external appearance of retaining a slate roof; albeit a subtly different slate. The proposals would provide a modest contribution towards allowing the building to be operated in an energy efficient manner.

5.42. The HIA concludes by rating that the overall impact on the heritage values of the public realm and setting would be Moderate-High Positive. The known potential harms are considered to be small areas of localised fabric, such as the formation of the lift entrance at first floor. The proposed external lift shaft will also create a visible exterior feature.

5.43. Weight must also be attributed to facts that are relevant to the site at present. The former school use has ceased, and the applicant does not intend to reintroduce this. Then the issue turns to what could the building become. The Minster have a longstanding wish to provide enhanced visitor facilities, stating that they are somewhat of an anomaly in not having the ability to provide a dedicated space or facility to visitors for food and refreshment. These proposals address that desire. Furthermore in the absence of this scheme any alternative use would likely bring about a far a greater degree of harm.

5.44. Considering the heritage assets identified earlier in this report. It is concluded that the level of harm which would be caused would be ‘less than substantial’ and be considered to be at the low to moderate end of the scale. However it is noted that in their consultation comments the Conservation Architect has concluded that in their view, the harm would be less than substantial but toward the very upper end of the scale.

5.45. As the above report sets out. The proposed development will result in less than substantial harm being caused to the character and setting of the Listed Building, the Conservation Area and therefore the Minster Precinct. This less than substantial harm is considered to be toward the moderate-low end of the scale. Referring back to paragraph 202 of the NPPF which 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.

5.46. As part of their submission the applicants have set out what they consider to be the public benefits that the proposals would bring about:

- The site will be opened up to the precinct, enabling it to be read as part of it, and reinforced by the fact that the surface treatments between it and Deangate will be complementary;
- The inappropriate parking of cars so close to the Minster will cease;
- The formation of an axial approach will increase the prominence of the frontage and the presence of the existing listed building and thus enhance its significance;
- This 'opening up' of the site to the Precinct, and accompanying realignment of railings, will mean the exceptional views to and from the Minster will become uninterrupted and enjoyed by many more people;
- The perceptible amount, and actual area of greenspace along Deangate will increase;
- A new and safe community green space will be created within the site, with public access not currently afforded.
- An accessible, equitable outdoor facility will be created;
- There will be level step free access to the front of the building;
- Biodiversity and planting will be increased;
- Wayfinding and interpretation will be provided enhancing access and understanding of the setting and heritage;
- There will be more shelter which will encourage use and access throughout the year.

5.47. The proposals bring back into use a building which is currently laying dormant. Whilst it has been dormant for a relatively short period of time there is currently an opportunity to bring it back into use; thus, avoiding any unnecessary deterioration to the building. It is clear that applicant has no intention of re-establishing an educational or school setting within the site. This prompt return to use will ensure that any wider harms to the Minster, precinct and the Conservation Area are avoided.



5.48. The proposed use of the building will also mean that it becomes more accessible to the public. Firstly in the sense of being open to the public, allowing them to experience the building – which was generally unavailable in its former use as a school; but also in the sense that level step free access will be provided.

5.49. The formation of a large publicly accessible space in this area of the precinct will also bring significant public benefits. The space will be available to all and allow people to experience the Minster from a previously unavailable vantage point. Consideration should also be given to what the alternatives for the site could be and what form they would take. The formation of a public space and enhanced visitor facilities in this location are considered to be the most appropriate.

5.50. The inclusion of the solar PV equipment in itself may not necessarily amount to a direct public benefit. However, what they should deliver, which are measures which seek to decarbonise the existing built environment generally will be of public benefit to society as a whole.

5.51. Overall it is considered that the proposals will facilitate a range of public benefits which are considered to sufficiently outweigh the less than substantial harm that may be caused.

5.52. The proposals, by their very nature, will result in changes and alterations being made to the existing building. It is also noted that some the works to date at the building during its use as a school have in some instances being unsympathetic. However, at present the building is not in active use and occupies a prominent position within the precinct – contributing to the overall setting of the precinct and the Minster. It is acknowledged some aspects of the proposals will give rise to varying degrees of harm. However this is balanced against the opportunity to bring the building back into a viable use, facilitate a significant enhancement to the public realm and public space immediately around the building; whilst also delivering specified objectives and aspirations as set out within the draft Minster Neighbourhood Plan. All of which would be considered to make a positive contribution to the precinct. The proposals would therefore accord with Policy D5 of the 2018 DLP and Policy C1 of the Draft Minster Neighbourhood Plan and relevant policies within the NPPF.

## **6.0 CONCLUSION**

6.1. Regard is had to advice in paragraph 199 of the NPPF 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 (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to the harm to a listed

building and conservation area. The public benefits are summarised at paragraphs 5.46. to 5.51. above. Whilst it is acknowledged the elements of the proposed development will give rise to varying degrees of harm to the Listed Building and therefore the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct.

6.2. It is therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However it should be noted that a number of matters relating to eventual operation of the scheme are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

## **7.0 RECOMMENDATION:** Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Roof Plan As Proposed: Drawing No. (GA)200 Rev 2.02

Section A-A and Section B-B, Proposed Entrance Door Detail: Drawing No. (GA)300 Rev 2.02

West Elevation (Main) As Proposed: Drawing No. (GA)400 Rev 2.03

East Elevation (Church Yard) As Proposed: Drawing No. (GA)401 Rev 2.02

North Elevation/Section (Facing Stoneyard) As Proposed: Drawing No. (GA)402 Rev 2.02

Illustrative Landscape General Arrangement: Drawing No. 0876-RFM-XX-00-DR-L-0001 Rev PL02

Illustrative Landscape Sections: Drawing No. 0876-RFM-XX-00-DR-L-0002 Rev PL02

Planting Strategy: Drawing No. 0876-RFM-XX-00-DR-L-0004 Rev PL02

Pergola Details: Drawing No. 0876-RFM-XX-00-DR-L-8001 Rev PL01

West (Main) Elevations Demolitions/Strip Out: Drawing No. (DM)400 Rev 2.01

Ground Floor Plan Demolitions and Strip Out: Drawing No. (DM)100 Rev 2.01

Ground Floor Reflected Ceiling Plan Demolitions/Strip Out: Drawing No. (DM)100.1

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First Floor Plan Demolitions/Strip Out: Drawing No. (DM)101 Rev 2.01

First Floor Refelcted Ceiling Plan Demolitions/Strip Out: Drawing No. (DM)101.1 Rev 2.01

Roof Plan Demolitions/Strip Out: Drawing No. (DM)200 Rev 2.01

East (Church Yard) Elevation Demolitions/Strip Out: Drawing No. (DM)401 Rev 2.01

New Service Door DG30 West Elevation: Drawing No. (DR)01 Rev 2.00

Lift Door Surrounds: Drawing No. (DR)02 Rev 2.00

New Door Accessible Toilet - Ground Floor: Drawing No. (DR) 03 Rev 2.00

Ground Floor Plan As Proposed (Shell and Core): Drawing No. (GA)100 Rev 2.02

First Floor Plan As Proposed: Drawing No. (GA)101 Rev 2.01

Roof Build Up Typical As Existing and Proposed Details: Drawing No. (SK)101 Rev 4.01

Roof 1 - Roof Layout 500X250 PV Slate: Drawing No. E05613

Roof 2 - Roof Layout 500X250 PV Slate: Drawing No. E05613

Roof 3 - Roof Layout 500X250 PV Slate: Drawing No. E05613

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

3 No external menu boards, display boards or signage shall be installed on the building unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the character, appearance, fabric and setting the Listed Building and Conservation Area.

4 Unless otherwise agreed in writing with the Local Planning Authority the Solar PV panels approved by this permission and to be used in the development shall be:

GB Sol PV Slate 500 x 250 slates.

Reason: To ensure a satisfactory external appearance which would safeguard the character, setting and visual appearance of the Conservation Area, Listed Building and wider built environment.

## **8.0 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 (paragraph 38) 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:

Sought to secure an improved solution with regard to the provision of Solar PV on the building and adjustments to the proposed landscaping.

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**Contact details:**

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