

COMMITTEE REPORT

Date: 20 January 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/00601/FULM
Application at: Church House 10 - 14 Ogleforth York YO1 7JG
For: Conversion of office to form 11no. apartments with associated external works and landscaping, including 2no. additional windows, new roof lights, new ramped access and refuse/bicycle store
By: Mr Alexander McCallion
Application Type: Major Full Application
Target Date: 27 January 2021
Recommendation: Delegated Authority to Approve subject to Section 106 Obligation

1.0 PROPOSAL

THE SITE

1.1 The application site is Church House, on the south-west side of Ogleforth, in the city centre. The building is built to the back of the pavement, with a small car park adjoining to the south-east, accessed from Ogleforth and set behind timber bollards and chain fence and backed by a high brick wall. To the rear, the site backs onto an area of open garden associated with St William's College which is notably higher than street level (circa 1m higher). Access is gained from within Church House or St Williams College and through large painted timber gates in the brick wall and a set of steps.

1.2 Church House comprises a former commercial building, industrial in appearance and three storeys in height with attic space currently used for storage. It is roughly 'T' shape in plan, constructed from red brick to Ogleforth and pink-brown brick on side and rear elevations, with a pitched slate roof. The main part of the building was constructed in the late 19th century, and substantially altered in the 20th century, including the three storey plant extension on its south east elevation. It is currently vacant but was last used as offices for Dean and Chapter staff from York Minster.

1.3 The building is not listed but is within the Central Historic Core Conservation Area and Character Area 9: The Minster Precinct. It is within the City Centre Area of Archaeological Importance and Flood Zone 1 (low risk of flooding). The whole of the

site, and area to the west is within the scheduled monument: York Minster Cathedral Precinct.

1.4 Church House is considered to be within the setting of the following listed buildings: York Minster (Grade I), St Williams College (Grade I), Listed as one entry: Nos. 5 Chapter House Street and 16, 18 and 20, Ogleforth (Grade II), Cromwell House, No. 13 Ogleforth (Grade II*) and No. 11 Ogleforth (Grade II). There are views from Ogleforth across the site's car park towards the rear of St William's College and the Minster beyond.

PROPOSAL

1.5 The development is proposed by Chapter of York Minster. Revisions have been received since submission for the external area and the final scheme is described. The proposal is to convert the building from office to residential accommodation comprising 11no. residential apartments; three on each floor and two in the converted attic space. The mix will comprise 4no. one-bedroom apartments, 6no. two-bedroom apartments and 1no. three-bedroom apartment with the gross internal floorspace ranging from 44 sq.m to 107 sq.m. There is no proposed extension to the building envelope. External changes comprise replacing all windows with new double-glazed windows with metal frames to match the existing style, replacing a modern entrance on the south-west elevation with a window and the insertion of extractor vents. Conservation style, flush fitting roof lights will be set into the roof to provide natural light and ventilation to the flats in the converted attic.

1.6 Alterations are proposed to the existing car park to provide stepped and ramped access into Church House. A brick plinth topped with painted railings with pedestrian and vehicle gates is proposed for the boundary with Ogleforth. A new brick store with green roof to the rear of the car park will provide refuse and cycle storage. Car parking is for 2no. cars. The garden beyond the high brick wall will be a shared amenity space for the new residents. The two semi-mature Silver Pendant Lime trees and mature London Plane tree will be retained.

RELEVANT PLANNING HISTORY

1.7 Permissions have been granted for the restoration, internal alteration and change of use of St William's College to provide office accommodation for the Dean and Chapter staff of York Minster and to enable the current scheme for Church House to be promoted and implemented through the relocation of staff from Church House into St William's College.

2.0 POLICY CONTEXT

2.1 City of York Publication Draft Local Plan (2018)

DP3 Sustainable Communities

SS3 York City Centre

D2 Landscape and setting

D4 Conservation areas

D5 Listed buildings

D11 Extensions and alterations to existing buildings

GI4 Trees and hedgerows

EC2 Loss of employment land

H10 Affordable housing

CC2 Sustainable design and construction

York Minster Precinct Submission Draft Neighbourhood Plan (2021)

B1 Landscape and Biodiversity Net Gain

C1 Historic Environment

PA4 Own Use Properties

3.0 CONSULTATIONS

INTERNAL

Design, Conservation And Sustainable Development (Conservation)

3.1 Replacement windows must be metal 'Crittall' type to reflect the industrial aesthetic and maintain character. No objections to the large rooflights as this reflects the character of the building. Large areas of roof glazing were a particular feature of this type of industrial building and small conservation type rooflights are considered to be more appropriate in a domestic setting rather than on this building.

Design, Conservation And Sustainable Development (Archaeology)

3.2 Church House lies within the Central Area of Archaeological Importance and the Scheduled Minster Precinct (1017777). Scheduled Monument Consent is required before any works commence. A desk-based assessment has been produced and submitted as part of this scheme. The assessment has concluded that

archaeological deposits of significance may lie between 1-2m+ below the present modern ground surface, although the foundations of 19th century buildings which stood on the site may lie just below the ground surface. It is unclear whether any of the 19th century buildings on this site contained cellars.

3.3 The below-ground archaeological impacts of this proposal will relate to the construction of the ramp, bin store and wall within the car park area. The works are unlikely to penetrate to significant archaeological features or deposits. However, an archaeological watching brief will be required during groundworks to record the nature of any deposits which are revealed during works. This can be conditioned.

Design, Conservation And Sustainable Development (Landscape)

3.4 The landscape architect objected to the originally proposed removal of the mature Lime tree at the rear of the building (highest retention category A1). The subdivision of the rear space with the proposed wall could not be supported due to the harm it would cause to the root systems of the London Plane and Silver Pendant Lime.

3.5 Following the receipt of the final scheme with the retention of the tree shown, the landscape architect advised of a pre-commencement condition to protect the grade A trees during construction works by the erection of protective fencing.

Highways Network Management

3.6 Recommended that the development was car free in this location as proposed plans and earlier revisions do not show enough space for vehicles to park (car parking spaces are too short) nor able to manoeuvre safely within the site through reference to the swept paths. The cycle and bin stores need to be separated. The pedestrian access is too small and should be 2m wide to accommodate wheelchair access. Should these issues be resolved, conditions are advised.

Flood Risk Management

3.7 The replacement surfacing for the proposed car park may require a replacement drainage scheme. Any formal drainage details should be to CYC's SuDS Guidance for developers to include a reduction in surface water run-off / betterment requirements. This can be conditioned.

Public Protection

3.8 Public Protection have no objections subject to the attachment of a condition on reporting of any unexpected contamination found and the passive provision of an electric vehicle recharging point. The standard development informative is also advised.

Housing Policy

3.9 An affordable contribution of £365,292.40 is required in accordance with policy H10. The applicants have stated that there is a clear case for not providing any affordable housing contribution. Usually this can only be discounted on the basis of a non-viable scheme. The applicants have not presented the scheme as being unviable however.

EXTERNAL

Guildhall Planning Panel

3.10 The Panel are worried that the number of proposed flats is excessive and leads to a lack of light in many of the rooms and the removal of a healthy mature tree. They are also concerned by the lack of turning provision. The small amount of space for bins and cycle storage is unrealistic. The addition of a front wall provides a restrictive sightline for vehicles accessing the site.

4.0 REPRESENTATIONS

York Civic Trust

4.1 The Trust supports the application, believing the proposed change of use to residential is suitable for this part of the Central Historic Core Conservation Area. Church House is not a listed building, however, the history of its use is of local interest, as evidence of former industrial/commercial activity in the heart of the city, which has been lost in recent times. The former uses of the building, including the purpose for what it was built, might have been given more attention in this application and could have informed key characteristics of the proposed residential conversion to help give it a stronger 'identity'. There are concerns regarding the form and size of the proposed rooflights which may be visible from the City Walls and the Minster. A preference would be for the rooflights to be narrower and more

conservation style. The Trust would welcome replacement double-glazed window frames that are either timber or metal which would help retain the industrial appearance. The obscure glazing on the front elevation may potentially adversely alter the visual appeal of the building and reconfiguration of the internal layouts away from front elevation bedrooms may lessen the need for such privacy measures.

The National Trust

4.2 As adjoining landowner had no objections to the proposed development.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are:

- Principle of change of use
- Impact on designated heritage assets and landscaping
- Design
- Parking and access
- Affordable housing contribution
- Sustainable development

LEGISLATION

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 Sections 16(2) and 66(1) of the Planning (Conservation Areas and Listed Buildings) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

5.4 Section 72 of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

PLANNING POLICY

National Planning Policy Framework 2021

5.5 The revised National Planning Policy Framework was republished in July 2021 (NPPF) and its planning policies are material to the determination of planning applications.

5.6 The NPPF sets out the Government's overarching planning policies. Paragraph 7-11 explains that the purpose of planning is to contribute to achieving sustainable development including economic, social and environmental objectives. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance (including development which would harm designated heritage assets) provide 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 the NPPF as a whole.

5.7 Section 5 outlines the Government's objective of significantly boosting the supply of homes. Where a need for affordable housing is identified, this should be expected to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. For major development, at least 10% of the total number of homes is expected to be made available for affordable home ownership.

5.8 Small and medium size windfall sites can make an important contribution to meeting the housing requirements for an area and great weight should be given to the benefits of using suitable sites within existing settlements.

5.9 Section 11 supports the development of under-utilised land and buildings, especially for housing. Section 12 underlines the importance of well-designed places to create better places to live and work. Planning decisions should ensure that development will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for future users. Existing trees should be retained wherever possible.

5.10 Section 16 on conserving and enhancing the historic environment confirms that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance. The significance of heritage assets should be sustained and enhanced and put to viable use, consistent with their conservation. Great weight should be attached to the conservation of designated heritage assets where proposed development will have an impact on significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 202 makes clear that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Publication Draft Local Plan 2018

5.11 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.12 DP3 Sustainable communities sets development principles including respecting and enhancing the historic character and landscape of York, enhancing existing key views and providing an appropriate range of housing. Policy SS3 York City Centre confirms that its special qualities and distinctiveness should be conserved and enhanced.

5.13 Policy D4 Conservation Areas supports proposals within conservation areas that will preserve or enhance the special character and appearance of the

conservation area. Changes of use will be supported when it has been demonstrated that the primary use of the building is no longer sustainable and where the proposed new use would not significantly harm the special qualities and significance of the conservation area. Policy D5 requires development proposals to preserve and enhance the setting of listed buildings. Policy D11 on alterations to existing buildings requires that the design responds to its immediate architectural context and local character, uses appropriate materials and detailing, protects the amenity of current and neighbouring occupiers, contributes to the function of the area and is safe and accessible.

5.14 Policy D2 requires development proposals to recognise the significance of landscape features such as mature trees, and other important character elements and retain them where they can be suitably managed and sustained. Policy G14 requires trees that make a positive contribution to the character or setting of a conservation area or a listed building to be retained.

5.15 Policy EC2 'loss of employment land' protects land or buildings that were currently or last used for employment uses. Applicants should demonstrate that existing buildings are not viable in terms of market attractiveness or business operations amongst others, and would not lead to the loss of a necessary employment site. Policy H10 on affordable housing sets an affordable housing requirement of 20% for either an onsite provision or offsite financial contribution (for an urban brownfield site of less than 15 dwellings).

5.16 Policy CC2 Sustainable design and construction requires conversion of buildings to residential use to achieve BREEAM domestic refurbishment 'very good'. Where proposals relate to buildings of heritage or conservation value, these standards would only be required where they can be achieved in a manner consistent with appropriate conservation.

York Minster Precinct Neighbourhood Plan

5.17 The Submission Draft of the York Minster Precinct Neighbourhood Plan (April 2021) was consulted on between 14 July and 8 September 2021. Written representations were collated and a final version of the Plan has been sent to the independent examiner for consideration. The examination is currently underway with adoption anticipated for 2022. The draft plan is a material consideration, and it is considered that moderate weight can be attached to its policies at this stage.

5.18 The vision includes the need to make best use of Chapter's assets within the Precinct for the good of the Minster. Figure 10: Spatial Vision identifies Church House for 'new homes'. St William's College adjacent, is 'Minster back-of-house facilities and staff accommodation'. The Submission Draft identifies a 'notable view' from Ogleforth across the car park of Church House to St Williams College and The Minster (Figure 10: Constraints). Throughout the Plan, the importance of trees for environmental and sustainability objectives, to maintain and enhance biodiversity, and to enhance character is underlined. Any harm to trees from development proposals must be clearly justified in terms of public gain against the value of these trees recognising that trees have differing arboricultural, aesthetic, biodiversity and amenity values (Policy B1).

5.19 Policy C1 'Historic Environment' states that development should protect, conserve and seek opportunities to enhance the internationally important historic environment of the Minster Precinct. Development proposals should conserve the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, archaeological deposits, and landscape interest through consideration of siting, scale, mass, form, layout, design, materials, use, and views both from and towards the asset.

5.20 Policy PA4 'Own use properties' (D) specifically states that permission will be sought to reconfigure and extend Church House to accommodate residential uses, following the relocation of Chapter staff to St William's College. Any new development will take into account important views from Ogleforth.

APPRAISAL

Principle of change of use

5.21 Church House is a four bay, three storey brown and red brick building, with pitched slate roof. From the original plan form it was extended on its south-east elevation by a three storey linear vertical extension to provide heating, boilers and WC facilities for the offices. Internally the floors are subdivided into a series of smaller rooms.

5.22 Church House is currently used by the Dean and Chapter of York Minster as office space. The Submission Draft Neighbourhood Plan seeks to protect the special character of The Minster Precinct but also sets out a series of projects within the

area. This is to rationalise space, provide office space fit for purpose, maximise existing assets and to generate additional income for the benefit of conservation of designated heritage assets within the Precinct. Planning and listed building consent was granted for the change of mix of uses within St Williams College which has been vacant since 2011. The 2020 planning permission granted consent for office use for most of the building which it is understood would provide office accommodation for the Dean and Chapter to relocate from Church House. The Submission Draft Neighbourhood Plan identifies that Church House be converted from office to residential through Policy PA4 'Own use properties' (part d). This Draft Plan carries material weight and justifies the assessment to address Policy EC2 'loss of employment land' in the Publication Draft Plan 2018 in that the existing building is no longer viable in terms of current business operation, and there is no loss of employment as a result of the change of use as the staff from the offices are to be relocated to other buildings in The Minster Precinct. The change of use is therefore considered to be in accordance with emerging local planning policies.

5.23 The conversion will provide 11 flats over four floors; three flats on each floor and two in the attic. These comprise 4no. one-bedroom flats, 6no. two-bedroom flats and 1no. three bedroom flat. They range from 44 sqm to 107 sqm gross internal floorspace, and floorplans show a suitable layout with windows to each habitable room (some with dual aspect) and an open plan living/dining/kitchen space for each unit. The two flats in the attic have large rooflights to each habitable space, with two to the living area.

Impact on designated heritage assets

5.24 Church House is not listed, but is within the Central Historic Core Conservation Area. The summary of the Conservation Area identifies the Minster and its Precinct as outstanding due to the plethora and quality of the listed buildings. The scale and size of the Minster, and its precinct of Medieval, Georgian, Victorian and later buildings form one of the main elements of the character and appearance of the conservation area, and its complex townscape with an infinite variety of form and period set within a strong landscape structure.

5.25 Church House is within the setting of a number of listed buildings; most notably St Williams College and The Minster as viewed from Ogleforth, both listed Grade I. This 'notable view' is identified in The Submission Draft Neighbourhood Plan. It is also within the Central Area of Archaeological Importance and the Scheduled Minster Precinct. All comprise designated heritage assets to which great

weight should be given to their conservation when considering development proposals. Any harm should require clear and convincing justification.

5.26 Referencing the Design and Access Statement, it is understood that the site was occupied until the early 19th century by a row of properties including tenements, coach houses and stables arranged along the street frontage. Gradually this was replaced by commercial uses including a book binders and coach builders works. This building was demolished however in the late 19th/early 20th century when the current building was erected, and used for various purposes including a bookbinders. It has however been used as offices since the mid-1980s when purchased by the Dean and Chapter.

5.27 The character of Ogleforth, leading into Chapter House Street is special, of quiet, human scale, with buildings and tall brick walls providing glimpses though to private gardens and hidden quarters, whilst in the shadow of the soaring Minster, which can be glimpsed at key points along the street. The buildings are varied in age, form and architecture but the commercial character of Church House sits comfortably alongside the residential buildings. The retention and conversion of the building is welcomed and the new use will preserve the character of this part of the conservation area and street as a quiet historic back lane.

5.28 The external changes to the building itself relate to the installation of replacement double glazed windows throughout, of the same multi-pane design and form of opening as the existing, with slim metal 'crittall' style frames, to preserve the existing industrial character of the building. The existing slatted vented openings to the offshoot will be retained as is. Eight top-hinged, flush fitting conservation style rooflights will be fitted to the roof to provide daylight to the top floor units. Officers consider the rooflights to be of acceptable scale and design for this building in this location, and have been amended to be conservation style.

5.29 Considering the change of use, proposed external alterations to the building and within the car park, and that the Grade A semi-mature trees are all retained (see below), no harm has been identified to the character or appearance of the conservation area, nor the setting of the listed buildings. The view from Ogleforth towards St Williams College and The Minster is preserved. A condition is advised by the city archaeologist for a watching brief on any ground disturbing works in the car park with the construction of the ramp, bin/cycle store and walls unlikely to penetrate to significant archaeological features or deposits. Therefore no harm has been identified in relation to archaeology nor the scheduled monument.

External alterations

5.30 The plans for the external area have been altered since submission to address concerns of officers. The final scheme proposes retention of all three mature trees within the application site boundary; the two semi-mature Silver Pendant Lime (Grade A1) and the London Plan (Grade A). It was agreed that cyclical crown reduction and crown lifting of the Silver Pendant Lime closest to the building would be supported. The proposal for a new reclaimed brick wall within the roots zones of these trees is no longer proposed. Plans show the area beyond the car park and between St Williams College as available as a shared amenity space for the residents.

5.31 Revised plans for the car park have been submitted with the final scheme addressing concerns of the highways officer. The final scheme shows a new boundary wall with brick plinth and stone capping with painted black steel railings to Ogleforth. Cars can reverse in and exit in forward gear. A new ramped and stepped access is proposed with two new automated 2m wide gate from the street and car park to facilitate entry for those using wheel chairs. The car park now shows just two car parking spaces (early versions did not have space for more cars to manoeuvre) with EV recharging facilities for each space.

5.32 A new bicycle and bin store (with internal division) is proposed to the back of the car park set against the brick garden wall. It will have a flat 'green roof' and is capable of accommodating 12 bicycles on 6 Sheffield stands. This meets CYC standards.

Affordable housing contribution

5.33 In accordance with NPPF policies and emerging local plan policy H10 Affordable Housing, an on or off-site contribution equivalent to 20% of the units is required. Housing policy advised that an off-site contribution to affordable housing provision should be secured to the value of £365,292.40.

5.34 The Submission Draft Neighbourhood Plan has been prepared to set a masterplan for the long-term development of The Minster Precinct. There are a number of projects underway, including the Refectory at the former Minster School, and College Green. However there are other less high profile projects including the planning permissions and listed building consents to bring the vacant St Williams

College back into use by reordering the support and office facilities of Chapter into one building and releasing other assets for new uses. The existing offices and staff from Church House will move into St Williams College thereby releasing Church House.

5.35 Chapter have advised that the project is income generating for the benefit of the upkeep of York Minster. The units are not for sale, but will be leasehold with rentals an additional income-stream for the charitable body. On-site provision of affordable housing is thus not suitable as provision of affordable housing within the building would reduce the income generated.

5.36 The applicant highlights the significant public benefits that would be secured for the upkeep on The Minster through the project, its resources and wider assets set out by the Neighbourhood Plan. York Minster and its precinct is of international importance. They report that York Minster is operating at a vast deficit and with a significant and ongoing conservation deficit to address. It costs over £22,000 a day to care for and operate York Minster. The Minster report they receive no ongoing Government funding or central Church of England financial support towards the care of its fabric and relies on donations, paying visitors and funding bodies. The cost of conservation works is hugely costly and on-going. For example, the South Quire Aisle restoration alone is scheduled to take 14 years at a cost of £16m. The conversion of Church House will create optimum value in terms of an income stream, with annual income estimated to be circa £150,000 (Planning Statement).

5.37 The NPPF and emerging local plan policies are very clear that great weight should be attached to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. The Minster is listed Grade I, there are many other listed buildings within the Precinct under the care of Chapter, and the whole of the area is a scheduled monument. Therefore of the highest listing and protection, it follows that great weight should be attributed to projects that further that aim. It has been discussed that in lieu of the affordable housing contribution, the same contribution could be set to a specific conservation project in the Minster: the restoration of a medieval window S32, 'The Mauley Window' in the South Nave Aisle. A section 106 planning obligation would to secure the equivalent of the affordable housing contribution (£365,292.40) for the restoration of this window. Officers consider that the support for the conservation works at the Minster is a public and heritage benefit and a material consideration, to which significant weight can be attached which can outweigh the requirements of draft affordable

housing policy H10 of the Publication Draft Local Plan and paragraphs 63 and 65 of the NPPF (2021).

Sustainable development

5.38 Policy CC2 'Sustainable design and construction' requires conversions to residential use to achieve BREEAM domestic refurbishment 'very good'. A planning condition would be attached to any planning permission.

6.0 CONCLUSION

6.1 The proposal is for the change of use of Church House from offices to 11 no. flats with external alterations in the form of replacement windows, new ramped access, car park suitable for two electric vehicles and bin and cycle store. The revised proposals are found to be in accordance with the Submission Draft Neighbourhood Plan which identifies Church House for residential use. The design is appropriate and picks up on the character of the building and this part of The Minster Precinct and secures a good level of amenity for future residents both in terms of the conversion and external space. No harm has been identified to any designated heritage asset. It is considered that the public and conservation benefits of conserving and restoring medieval window S32 in The Minster are clear, and subject to £365,292 being secured for the project by a S106 planning obligation, outweigh the application of the draft affordable housing policy. Great weight is attached to the contribution to the restoration of York Minster, a Grade I listed building and scheduled monument which is in constant need of upkeep at huge cost.

6.2 The proposals are thus found to be in accordance with sections 5, 12 and 16 in the NPPF 2021. The scheme is also in accordance with D2 Landscape and setting, D4 Conservation Areas, D5 Listed Buildings, D11 on alterations to existing buildings in the Publication Draft Local Plan 2018. Finally it is also in accordance with the Submission Draft of the York Minster Precinct Neighbourhood Plan (April 2021).

7.0 RECOMMENDATION:

That the Area Planning Sub-Committee recommend to the Chief Operating Officer that delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a) The completion of a Section 106 Planning Obligation to secure £365,292 to be used for the conservation and restoration of Minster window S32

b) The conditions set out below, and

The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Obligation and conditions.

1 TIME2 Development start within three years

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

Site location plan, CHY-PUR-01-SL-DR-A-0001, rev. P03 received 16.09.2021
Proposed site block plan, 2000, rev. P04, received 16.09.2021
Proposed rear yard, CHY-PUR-01-SL-DR-A-2007, rev. P04 received 07.12.2021
Proposed elevations, 2006, rev. P08, received 07.12.2021
Proposed ground floor plan, 2001, rev. P12, received 07.12.2021
Proposed first floor plan, 2002, rev. P09, received 16.09.2021
Proposed second floor plan, 2003, rev. P09, received 16.09.2021
Proposed third floor plan, 2004, rev. P10, received 16.09.2021
Proposed roof plan, 2005, rev. P06, received 16.09.2021
Proposed section, 2020, rev. P02, received 14.06.2021
Design, access and heritage statement, September 2021

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority.

A) No ground disturbing work shall take place until Scheduled Monument Consent has been granted and a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

4 Trees shown to be retained shall be protected during the development of the site by the following measures. Prior to commencement on site of demolition, clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2012 shall be erected around all existing trees within the site boundary shown to be retained (and neighbouring trees where they may also be affected). The fencing shall be erected below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree, (except where this is limited by existing built structures) and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones or within the canopy spread of existing trees: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches/pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and development.

5 The development hereby approved shall not be occupied until covered and secure cycle parking facilities, for twelve (12) cycles, have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the Local Planning Authority. 6no. Sheffield stands or equivalent shall be shown within the cycle store, securely fixed to the ground and details of internal and external lighting shall be provided. Once approved in writing by the Local Planning Authority, thereafter the cycle and refuse store shall be provided fully in accordance with these approved details prior to first occupation of the development. The cycle and bin store shall be retained as such for the lifetime of the development for the purpose of providing secure cycle storage.

Reason: To ensure that adequate provision for the parking of cycles and to ensure the design is appropriate for its location within this part of the conservation area.

6 The development shall not be occupied until any vehicular accesses not shown as being retained on the approved plans have been reinstated in accordance

with details to be submitted to and approved in writing by the Local Planning Authority prior to the new access hereby approved being brought into use.

Reason: In the interests of good management of the highway and road safety.

7 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

8 No works shall commence in the car park until details of any new or replacement foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with these approved details prior to this space coming into use.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Should any be found, an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 The development should incorporate sufficient capacity within the electricity distribution board for minimum one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the parking area. The proposed location for a future Electric Vehicle Recharge Point within the development curtilage shall be retained as shown on the proposed plans for the lifetime of the development and any necessary trunking/ducting must be in place to enable cables to be run to the specified location prior to first occupation of the development.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

11 Unless otherwise approved in writing by the Local Planning Authority, the development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of domestic refurbishment 'Very good' or equivalent. A post construction stage assessment shall be carried out and a post construction stage certificate shall be submitted to the Local Planning Authority within 6 months of the date of the assessment (or in the case of the certificate, as soon as practical after occupation). Where it can reasonably be demonstrated that 'very good' is not feasible, full justification for the lower rating shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Should the development fail to achieve a BREEAM standard of 'Very good' or the approved alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the approved standard. The approved 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 Policy CC2 of the Emerging Local Plan.

12 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. Once approved, the works shall be carried out in accordance with these details as approved.

- 1:10 elevation drawings and horizontal and vertical typical cross sections of all new and replacement windows and doors and method of opening for the windows. The one brick deep reveal shall be maintained and shown on the drawings.
- 1:10 elevation drawings and cross sections of the new brick plinth wall, stone capping and railings
- 1:10 elevation drawings and cross sections of the new vehicle and pedestrian gates
- 1:10 elevation drawings and cross sections of the new ramps and steps, stone capping and railings
- 1:10 elevation drawings and cross section of the cycle and refuse store, including the eaves and green roof

Reason: So that the Local Planning Authority may be satisfied with these details.

13 The infill brickwork shall match the existing brickwork in all respects ie, bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

14 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, 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 external works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

15 A sample panel of the brickwork to be used for the brick plinth, dwarf wall for the ramp, steps and cycle and refuse store shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of these elements of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

16 Prior to installation in the roof, product details shall be provided of the conservation roof lights, which shall be top hinged and low profile with a central glazing bar, as shown on the Proposed Roof Plan 2005 revision P06 for approval in writing by the Local Planning Authority. Thereafter they shall be installed in accordance with these approved details and so retained.

Reason: To preserve the character of this part of the conservation area through appropriate design.

17 Unless otherwise approved in writing by the Local Planning Authority, the metal railings shall have a black painted finish for the lifetime of the development.

Reason: To preserve the established character of this part of the conservation area where painted railings dominate in the Minster Precinct.

18 Prior to the completion of the mechanical ventilation system, details of the position and design of the extraction grilles shall be provided, for approval in writing to the Local Planning Authority. Thereafter they shall be installed in accordance with these approved details and so retained.

Reason: To preserve the character of this part of the conservation area through appropriate discrete design and location.

19 There shall be no sub-division of the amenity space to the rear with a new wall or similar boundary that involves any ground disturbance.

Reason: To protect the root zones and thereby the health of the grade A Silver Pendant Lime and London Plane trees.

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:

Requested that the Silver Pendant Lime be retained (with crown reduction and lifting as required), that the rooflights be identified as conservation style, replacement windows be metal framed, secured amendments to the car park to ensure cars could manoeuvre within the space and gates were sufficiently wide, and that there was no development within the root zones of the three mature trees within the site. Agreed that the off-site affordable housing contribution could be used for a specific restoration project of a window in the South Nave of The Minster as the conversion of Church House was to generate a further income stream to support the Chapter in its responsibilities to protect The Minster Precinct. This would be secured by a S106 planning obligation.

2. INFORMATIVE: SCHEDULED MONUMENT CONSENT

Scheduled monument consent is required for all works in the car park before works commence. An application should be made to Historic England.

3. INFORMATIVE: WORKS IN THE HIGHWAY

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact ::

- Scaffolding licence (Section 169) highway.regulation@york.gov.uk
- Works in the highway (Section 171) streetworks@york.gov.uk

Application Reference Number: 21/00601/FULM

Item No: 4b

- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

INFORMATIVE: DEVELOPMENT

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

Contact details:

Case Officer: Sophie Prendergast