

COMMITTEE REPORT

Date: 1 September 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 22/00803/FUL
Application at: The Deanery Minster Yard York YO1 7JQ
For: Conversion of existing garages and erection of new building to apprentice's accommodation, stone workshop and ancillary storage after demolition of greenhouse, potting shed and garden structures
By: Mr Alexander McCallion
Application Type: Full Application
Target Date: 9 June 2022
Recommendation: Approve

1.0 PROPOSAL

1.1. Planning permission is sought for the conversion of the existing Deanery Garages and the erection of a new single storey building to form apprentice's living accommodation, stone workshop and ancillary storage following the demolition of an existing greenhouse, potting shed and garden structures.

1.2. The application site is located on land to the North East of the existing Deanery and includes land to the rear of No's 1 and 2 Minster Court. Access to the site is via the existing private road known as Minster Yard joining the public highway at the junction of College Green and Chapter House Street. The application site is located within the designated York Minster Cathedral Precinct Scheduled Monument. The site is within the Central Historic Core Conservation Area and a number of the buildings within the immediate vicinity are listed buildings of varying grades. The Deanery itself is Grade II Listed with the existing garages being considered curtilage listed. The City Walls are located immediately to the rear of the application site.

1.3. The proposals consist of three component elements. A proposed oblong scaffold and garden store to be located along the north west flank of the site. This structure will occupy a footprint of approximately 130m². The structure will stand to approximately 2.8m in height and consist of a series of open bays within which scaffold can be stored. Behind these open bays will be an internal store area. The

roof is to incorporate solar pv panels which will stand at an angle from the roof plane, standing approximately 50cm high.

1.4. The main structure within the proposal will sit centrally within the site and be formed following the partial demolition of parts of the existing garage structure. The retained elements of the garage will then be extended to form a broadly u-shaped building arranged around a central courtyard area. This element will have a built footprint of approximately 600m². The building will utilise a predominately flat roof standing 3.5m tall. This will increase to a maximum height of approximately 5.7m created by a vaulted roof feature which will face North East toward the City Walls. A range of uses are proposed within this building - 6no. bedrooms each consisting of a bed, desk space and toilet/shower facilities and outdoor terrace; a communal kitchen living space; a stone workshop consisting of 15.no workstations; general storage, an office space, welfare facilities and ancillary spaces such as bin store, plant room and drying room. A further 4.no external masons workstations are to be sited between the main building and the adjacent breakout pavilion.

1.5. The final built element of the scheme comprises of a detached single storey breakout pavilion located to the South East of the main building; the two will be linked via a covered walkway. This building will provide a breakout space and welfare facilities. The structure will be flat roofed standing approximately 3m in height. This building will cover approximately 60m².

1.6 An associated application for listed building consent has also been submitted (22/00804/LBC) and is reported elsewhere on the agenda. The LBC application relates to the same proposals and site as this planning application.

Relevant Planning History

There are a number of other applications which are of relevance to this application:

1.7 Applications 22/00788/FUL and 22/00789/LBC which relate to proposals at the Minster Stoneyard, 4 Deangate which is located approximately 250m to the South East of The Deanery. These applications are of relevance as they include proposals which, along with the proposals contained within the applications relating to The Deanery form part of the Centre of Excellence for Heritage Craft Skills and Estate Management concept that the Minster is pursuing.

1.8 The Centre of Excellence is intended to begin addressing a long-standing heritage skills shortage, which is not only felt by the Minster but also other institutions across the country and globally. Whilst the Minster's stoneyard is already internationally renowned, current facilities are constrained and inadequate for the long term task of sustaining the skills required to conserve heritage assets. It is the intention of the applicant to enhance their own in-house skills and capabilities to the benefit of their own estate; but also, to introduce a commercial element which will allow those skills to be traded within similar institutions globally.

1.9 A call-in request was received from the Ward Councillor, Cllr Craghill, citing the importance of the proposals to the city and level of public interest.

2 POLICY CONTEXT

- 2.1 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).
- 2.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
- 2.4 Case law has made clear that a finding of harm to a conservation area or listed building or its setting is a consideration which the decision-maker must give considerable importance and weight when carrying out the balancing exercise to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

2.5 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.

National Planning Policy Framework

2.6 The National Planning Policy Framework sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. For decision making this means; 'approving development proposals that accord with an up-to-date development without delay'; or where there are no relevant development plan policies, or the policies which most important for determining the application are out of date, granting permission unless:

- The application of policies in this framework that protect areas or assets of particular importance provides 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 taken as a whole.

2.7 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.

2.8 However, the presumption does not apply if the proposal conflicts with policies within the NPPF intended to protect designated heritage assets in accordance with footnote 7 of the NPPF.

2.9 Paragraph 38 advises that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work

proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 2.10 Section 16 of the NPPF relates to Conserving and Enhancing the historic environment; and recognises that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites. The NPPF states that these are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 2.11 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:
- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history including the surrounding built environment and landscape setting
 - Create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.
- 2.12 The NPPF also places great importance on good design. Paragraph 132 says the design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 134 says that permission should be refused for development that is not well designed. Especially where it fails to reflect local design guidance and supplementary planning documents.

York Minster Precinct Neighbourhood Plan

- 2.13 The York Minster Precinct Neighbourhood was ‘made’ on 16th June 2022. The Neighbourhood Plan now forms part of the statutory development plan for the City of York. Therefore applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant policies within the Neighbourhood Plan are:

- A1 – Purpose and Ambition
- A2 - Sustainable Development
- A3 – Spatial Plan
- A4 – Design Excellence
- C1 – Historic Environment
- C2 – Listed Building Consent
- C3 – Archaeology and Scheduled Monument Consent
- D1 – Wellbeing

2.14 The Minster Neighbourhood Plan also includes a series of defined Project Areas. These are areas within which a specified set of proposals or aspirations are intended to be delivered. The application site in this case is located within Project Area 4 – Own Use Properties. Policy PA4 requires that proposals should respond positively to the historic character of the site, including:

- Setting of the City Walls
- Views from the City Walls to the Minster
- The linear land divisions
- The characteristics of the historic roofscape
- The ancillary ‘back of plot’ history and nature of the site.

2.15 Subsections A, B and C of Policy PA4 are also of relevance here. These subsections relate to demarcated areas within Project Area 4 and set out the aspirations of what development is intended to be delivered. Subsection A states: ‘Existing garages and rear garden space to be redeveloped to provide storage on the ground floor and Minster staff housing on the first floor. Redevelopment to be no higher than the existing ridge line, and its plan, massing, roofscape, materials and details to respond positively to the character and appearance of the site and the setting of heritage assets.’

2.16 Subsection B states: ‘A new workshop to house the Minster’s masons will be created as part of the investment in the Stoneyard to establish an international centre of excellence for heritage skills across the Precinct. The building is to be lightweight, single storey construction, with green living roof and is to be sensitively designed in relation to the character of the retained gardens.’

2.17 Subsection C states: ‘The display of part of the Minster’s lapidarium with examples of historic stone being able to be viewed from the City Walls.’

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.18 The DLP was submitted for examination on 25th May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 is currently scheduled for September 2022. 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).

2.19 Key relevant DLP 2018 policies are:

SS3 – York City Centre

DP2 – Sustainable Development

D1 – Place Making

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

D10 – York City Walls and St Mary’s Abbey Walls (‘York Walls’)

GI2 – Biodiversity and Access to Nature

CC1 – Renewable and Low Carbon Energy Generation and Storage

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

T1 – Sustainable Access

DRAFT LOCAL PLAN 2005

2.20 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.

3 CONSULTATIONS

3.1 The application has been advertised via Site Notice, local press notice and neighbour notification letter.

INTERNAL

Highways

3.2 Vehicle tracking details are acceptable however the number of cycle parking spaces needs to be increased to 14 and the safety concerns pertaining to pedestrians and the stone loader using the Quadrangle at the same time have been suitably addressed by the applicant. Suggested conditions provided.

Conservation Architect

3.3 I support the aspirations of the Chapter of York in establishing a Centre of Excellence for heritage craft skills and do recognise that there will be identifiable public benefits that stem from such a centre. However we must raise objection to the proposals as we do not consider the current proposals have sufficiently addressed the issues raised at pre-application stage, do not meet the requirements of the Minster Neighbourhood Plan, and would cause a high degree of less than substantial harm to both setting of historic assets and character of the conservation area.

Public Protection

3.4 No objections raised but recommends the use of conditions relating to noise mitigation, control of construction noise and dust and land contamination

Drainage (Lead Local Flood Authority)

3.5 No comments received.

Ecology

3.6 No objections raised but does request conditions to secure a Biodiversity Enhancement Plan, Lighting Plan and provision of measures to safeguard nesting birds.

Tree and Landscape Officer

3.7 I do not support the application due to the harmful impact on views of the landscape/townscape from the city walls. The proposed development would disrupt the harmonious relationship between the city walls, garden space, the buildings of Minster Court and York Minster. The development would also result in the loss of/pose a significant risk of harm to, Category A and B trees that make a positive contribution to the amenity of the Conservation Area.

Archaeologist

3.8 No objections raised but highlights that the site is within the area of the former Roman fortress. In particular close to a former gateway. The line of the City Wall follows the boundary of the fortress wall. It is anticipated that archaeological features and deposits survive at this location from all periods. It will therefore be necessary to condition an archaeological watching brief on all ground works at the site.

EXTERNAL

Guildhall Planning Panel

3.9 Commented in support of the Planning Application noting 'an interesting and imaginative scheme'.

Historic England

3.10 The precinct is one of the defining features of a medieval English cathedral. York Minster Precinct encompasses a rich array of buildings and spaces with a markedly different character north and south of the minster.

3.11 The character of the north part has retained much of its historic seclusion, with high-status historic houses set within mature gardens, partially enclosed by one of the best preserved and picturesque sections of the city walls. Views between the minster and the city walls here contribute considerably to their settings, as well as to the character of the conservation area.

3.12 The development of two rear garden plots on this part of the precinct – the former Deanery Garages and Workshops site and the gardens of no.2 Minster Court – are a key element of the vision of the Chapter of York to establish the Precinct as an internationally recognised Centre of Excellence for heritage craft skills and estate management.

3.13 Historic England is strongly supportive of the aims and ambitions behind the proposals and welcomes its positive evolution from the proposals discussed at pre-application stage. However, we consider there is scope in the proposals to

introduce adjustments that would help better mitigate impact and improve the positive contribution the building can make to this sensitive site of the precinct and outstanding views towards the minster. We therefore recommend amendments to the proposals are pursued, in line with statutory and policy requirements.

Yorkshire Water

3.14 No comments received.

4 REPRESENTATIONS

4.1 A total of 2.no letters of support been received, from the Archbishop of York and The National Trust. The comments of support are summarised as follows:

- The proposals are one of the principal components of the York Minster Neighbourhood Plan.
- At the heart of the project is an ambitious and unflinching commitment to sustainability; protecting heritage craft skills, creating learning opportunities and a willingness to embrace modern technology.
- The buildings have been designed with sustainability at their heart.
- The proposals respect the Minster, its history and underpin its core purpose as a centre for worship, mission and teaching, whilst furthering its commitment to sharing knowledge and training across the North and across the world.
- The plans seek to increase opportunities for collaboration and learning with other heritage institutions; and the project is already establishing strong international partnerships – which can only be a good thing economically, culturally and socially for the Minster, York and the wider City Region.
- It demonstrates that promoting sustainability and tackling climate change can sit comfortably alongside heritage protection.
- Through the generous support of York Minster Fund, this project is fully funded and can be operational quickly.
- This is a once in a generation opportunity to safeguard the future of heritage skills in York.
- The National Trust owns and manages a number of local properties within the vicinity of the application sites, including Treasurers House, the National Trust Shop, holiday accommodation and commercial shops on Stonegate. Consequently, National Trust has an interest in how the area is to be developed.

- National Trust considers the proposals to be an improvement on present facilities. They will allow the craft teams to enhance their skills and grow heritage training opportunities.
- The proposals will also allow for greater opportunities for visitor engagement and highlighting the craft skills at York Minster.
- National Trust are currently developing Specialist Skilled Centres for Masonry and Joinery work across the North region and we believe that these would greatly benefit from having a high quality York Minster Centre of Excellence.

5 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of Development
- Impact Upon Heritage Assets
- Highways and Access
- Design and Layout of the site
- Residential Amenity and Public Protection
- Archaeology
- Ecology
- Trees and Landscaping
- Sustainable design and construction
- Public Benefits
- Planning Balance

Principle of Development

5.2 The Minster Precinct Neighbourhood Plan (NHP) was formally 'made' by the City of York Council on 16th June 2022. The NHP therefore forms part of the statutory development plan for the City of York. The policies contained within the plan are material considerations in the assessment of any development proposal within the defined NHP area.

5.3 Paragraph 5.2.1 of the NHP sets out a series of objectives that the plan intends to deliver:

- To better preserve and celebrate the historic environment of York Minster and its Precinct.
- To create new and improved visitor facilities to improve the welcome to York Minster.

- To create a defined Minster Precinct which is safe and welcoming to all.
 - To create new public realm of exemplary design quality which reflects the special character and history of the Minster Precinct.
 - To make best use of Chapter's assets within the Precinct for the good of the Minster without causing unacceptable harm to its neighbours.
 - To create a dedicated museum to display the Minster's collection and create opportunities to host temporary exhibitions including touring exhibitions of national and international importance.
 - To create new flexible community space within improved facilities for learning and participation.
 - To ensure financial, social and environmental sustainability sit at the heart of how we care for the Minster over the Plan period within the target of achieving EcoGold Church status by 2025.
 - To enhance and manage trees within the Precinct and improve the publicly accessible parts of the Precinct to support the wellbeing of our community and the people of York.
- 5.4 It is these objectives which have then been taken forward as the basis for formulating the various policies contained within the NHP. They have also been used as the basis for devising an overall spatial vision for the Precinct. The spatial vision (NHP Para 5.3) draws a distinction between the busy southern side and the quieter northern sides of the precinct. Paragraph 5.3.3 states; 'The important work of the Minster's crafts people will be supported by the provision of apprentice accommodation, workshop space and storage in the Deanery garages and adjacent private garden'.
- 5.5 Policy A3 of the NHP sets out the Spatial Plan for the NHP; setting out the proposed general distribution of land uses across the precinct and is a co-ordinated spatial plan to deliver the vision and objectives of the Neighbourhood Plan during the plan period. There are four principal project areas where built development, land use change and improvements to green infrastructure and public realm are focused.
- 5.6 Of relevance to this consideration of this current planning application is Area 4 Own Use Properties (PA4). The corresponding subtext within Policy A3 states: 'Investment and moderate redevelopment of facilities to the rear of York Minster will provide the much-needed facilities to run York Minster. This will include affordable housing for our own community and additional facilities to support the functioning of the Stoneyard.'

- 5.7 Policy PA4 sets out a series of aspirations with regards to what it is envisaged will be delivered within the Project Area. Policy PA4 states; ‘Proposals should respond positively to the historic character of the site, including; Setting of the City Walls, Views from the City Walls to the Minster, The linear land divisions, The characteristics of the historic roofscape and the ancillary back of plot’ history and nature of the site.’
- 5.8 The policy then goes on to set out a series of sub-areas within the defined project area which provide a greater degree of detail as to the what will be delivered within the project area. Of relevance to this planning application are sub-areas A, B and C which collectively form the general extent of the application site on land encompassing the existing Deanery garages adjacent to the City Walls.
- 5.9 Policy PA4(a) states: ‘Existing garages and rear garden space to be redeveloped to provide storage on the ground floor and Minster staff housing on the first floor. Redevelopment to be no higher than the existing ridge line, and its plan, massing, roofscape, materials and details to respond positively to the character and appearance of the site and the setting of heritage assets’.
- 5.10 The proposals would result in the redevelopment of the existing garages and garden space. The development would provide storage and accommodation space for Minster staff – although it is noted that this would be exclusively at ground floor level rather than being split across ground and first floor levels. The tallest point on the existing garages is approximately 6.5m high. The highest point of the proposed development would be 5.5m therefore achieving the criterion on not being taller than the existing ridgeline. Matters of plan, massing, roofscape, materials and how it responds to the character of the site are discussed later in this report. The proposals would therefore, in principle, accord with the parameters of Policy PA4(a).
- 5.11 Policy PA4(b) states: ‘A new workshop to house the Minster’s masons will be created as part of the investment in the Stoneyard to establish an international centre of excellence for heritage skills across the Precinct. The building is to be lightweight, single storey construction, with green living roof and is to be sensitively designed in relation to the character of the retained gardens’.
- 5.12 The proposals would provide a new workshop for the Minster’s masons and be of single storey construction. The proposals would therefore accord with the general parameters set out within Policy PA4(b).

- 5.13 Policy PA4(c) states: 'The display of part of the Minster's lapidarium with examples of historic stone being able to be viewed from the City Walls'. A lapidarium is a place where stone monuments and fragments of archaeological interest are exhibited.
- 5.14 The submitted details show the area to the rear of the proposed building adjacent to the City Walls as being the area intended for the display of stone. This would be in accordance with Policy PA4(c).
- 5.15 The adopted NHP establishes a clear policy objective of delivering the type of development that is proposed within this application in terms of seeking to establish a centre of excellence for heritage craft skills and provide various facilities to achieve this. Additionally, the proposals in terms of their location within the precinct would be in accordance with the overarching spatial strategy of the NHP.
- 5.16 Having regard to the Draft Local Plan (2018). There are no draft allocations contained within the DLP which cover the application site. As such the proposals would not result in a development which would be prejudicial or contrary to the spatial vision of the DLP.
- 5.17 It is therefore considered that, in principle, the proposed development would accord with the provisions of the adopted NHP plan, specifically Policies PA4 and Policy A3. In principle, the proposed development would be acceptable; subject to all other material matters being acceptable.

Impact upon heritage assets

- 5.18 Given the location of the proposed development there are number of heritage assets which are within the immediate and general vicinity of the site. These include various listed buildings of varying grades. The site also sits within a scheduled monument and designated Conservation Area. Assets such as the City Walls and York Minster are some of the most significant heritage assets within the city.
- 5.19 The Planning (Listed Buildings and Conservation Areas) Act 1990 places several duties upon the LPA. Section 66 requires that in considering whether to grant planning permission the LPA shall have special regard to the desirability of preserving listed buildings or their setting or any features of

special architectural or historic interest. Section 72 also requires, within the context of Conservation Areas, that the LPA shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

5.20 Policies D4 and D5 of the DLP 2018 both have the overarching objective or seeking to ensure that development proposals preserve or enhance the areas or buildings which contribute to the overall historic significance of the city. Policy C1 of the Minster NHP also requires that development proposals should protect, conserve and seek opportunities to enhance the internationally important historic environment of the Minster Precinct.

5.21 Policy D10 of the DLP 2018 relates to the City Walls and states; Projects that set out to conserve and enhance the values and significances of York walls will be supported. Development proposals within the areas of York Walls designated as Scheduled Ancient Monuments will be supported where they are for the specific purpose of enhancing physical and intellectual access to York Walls. Development proposals adjacent to or likely to affect the setting of the City Walls designated as Scheduled Monuments will only be permitted where:

- They are accompanied by a heritage statement that clearly assess the impact which the proposals are likely to have upon the elements and principal characteristics which contribute to their significance and six principal characteristics of the City as identified in the heritage topic paper;
- They are designed to be no higher than the city walls externally and not reduce their dominance;
- They do not cause harm to those elements which contribute to the significance or setting of York Walls; and
- They are of the highest design quality which, where possible, enhances or better reveals the significance of York Walls.

5.22 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.'

- 5.23 The Central Historic Core Conservation Area Appraisal – Character Area 9 covers the Minster Precinct. The precinct is characterised by having very high percentage of listed buildings within it. The CAA notes that most of the precinct has a very distinctive character which sets it apart from the rest of the historic core. Reflecting its history as a separate place within the city, under separate jurisdiction with a very specific function. Today, the precinct is split in to two contrasting parts. North of the Minster it retains much of its historic seclusion and is marked by broad, green openness and an almost complete absence of roads. South of the Cathedral, the narrow streets of the city centre come up almost to the walls of the Minster itself separated only by a necklace of roads and modest informal paved spaces.
- 5.24 The CAA cites the inherent strengths of the precinct as being the Minster and the array of historic buildings around it. The superb views and charming streets. Dean’s Park, the largest green space within the city walls and the absence of traffic. The two main weaknesses of the precinct are identified as being the quality of spaces and streets on the south side of the Minster. Secondly, the CAA identifies a need to bridge the divide between the north and south sides of the Minster. Locals know it and use it, but it is hidden by the Cathedral from most visitors. Better information, signage or new facilities are suggested as ways to draw visitors into appreciating more of the historic buildings and monuments around it.
- 5.25 In support of the application a Heritage Impact Assessment has been submitted. This document identifies the various historic assets within the precinct which may be affected by the proposed development and identifies their significance. Existing features such as the Deanery Garages and Workshop have been identified as being a low significance. At the opposite end of the scale features such as the Minster and City Walls have been identified as being of exceptional significance.
- 5.26 Within the context of the buildings proposed within this application the HIA notes that there is an established hierarchy of spaces within this area of the precinct with the City Walls forming the defined boundary to the North and West, generous rear gardens and ancillary buildings, the principal residences and at the centre the Minster. This creates a distinct layering culminating in the Minster.

5.27 The HIA states that the garden of 2 Minster Court has no landscape value but considers there to be historic and some aesthetic value in the plot shape. It acknowledges that development in this location will be clearly visible in the foreground of views from the City Walls towards the Minster but that it may also be visible from the Central Tower of the Minster. The HIA then sets out a series of principles which could be used in the design to mitigate these impacts. These include:

- Keeping the building height to single storey and below that of the boundary wall;
- Minimising any new penetrations through the garden wall for access;
- Orientating the building to emphasise the linearity of the plot.
- Retaining a full-length strip of garden;
- Using green roofs or similar approaches to maintain the garden character of the site and enhance its biodiversity.
- Employing materials appropriate for a back of plot site, such as local York brick and/or timber.
- Using raft foundations or other techniques to avoid disturbing below ground archaeology by structure and services.

5.28 The HIA states that development proceeding according to these measures will meet the four widely-recognised tests for the impact of development on important views of the historic environment; it will not break the skyline, it will not visually obstruct significant elements, it will not visually compete with the significant elements, and it will not change the character of the view.

5.29 The HIA then goes on to summarise the impacts of the proposed development. It concludes that the proposals would result in the loss of a small portion of the 18th Century curtilage listed boundary wall and the loss of the 19th Century potting shed, which would overall cause only very minor harm to the significance of the Grade II* listed Minster Court.

5.30 The proposals would result in the loss of the roof and late-20th Century portions of the curtilage listed Garages and Workshops, however their significance and contribution to the setting of the nearby listed buildings and to the character of the conservation area is limited and therefore this harm would therefore be minimal. It would result in very minor harm to the significance of the Grade II listed Deanery largely through the loss of historic association. The loss of the 20th Century portions of the complex – although following the original design – would cause no harm.

5.31 The HIA assesses that the proposals would result in a moderate degree of less than substantial harm to Minster Court (Grade II*) and the Deanery (Grade II) through the:

- The development of part of the garden plot, which would result in the loss of part of the buildings garden setting – causing moderate harm. This change was established through the designation of this plot for development in the York Minster NHP, and would be mitigated through the use of lightweight linear buildings of appropriate scale and materials and the retention and replanting of a sizeable portion of the garden.
- Partial loss of distinction between the two plots brought about by spanning them within one roof, which has been mitigated through the retention of the majority of the boundary wall and its emphasis within the courtyard and the accommodation range – overall this would cause moderate harm;
- The loss of the curtilage listed potting shed would cause minor harm to the significance of Minster Court;
- The loss of the Garages and Workshops as associated ancillary structures and physically the loss of roofs which read alongside those of the Deanery, would cause minor harm to the significance of the Deanery.

5.32 The workshops would invite views through its clerestory windows and could potentially be considered to cause harm to the character and appearance of the conservation area and setting of the listed buildings by disrupting some of the layered views of the Minster from the City Walls, they would however form a subtle new visual connection which links the craft of stonemasonry directly to the primary heritage asset within the Precinct – the Minster. They would not obscure views of any nearby heritage assets and given the buildings low scale and landscaping proposals they would in some views enhance the character of the conservation area and setting of the listed buildings.

5.33 The proposals would change the visual character of the site by introducing a unique roof form to this portion of the Precinct, which may be considered to cause harm, however, this contrasting form subtly reflects the form of the ramparts and its finish would match the colour of nearby tiled roofs – which would ensure it reads as an appropriate new layer within the Conservation Area.

5.34 The use of the site for stonemasonry would change the use of this site – introducing new sounds through the actions of stone carving and the

movements associated with vehicles. The western plot is currently used as garages, gardener's and scaffold stores therefore the change here would not be dissimilar nor would it be more intrusive, whilst the garden of Minster Court would be used as a quiet space thereby largely retaining its domestic garden character. The impact associated to this use would therefore have limited impact on the setting of the listed buildings and the character of the conservation area.

5.35 The HIA concludes that the 'Cumulative impact of these proposals is that they would result in a moderate degree of less than substantial harm to the significance of the heritage assets.

5.36 As part of the assessment of the proposals the Councils Conservation Architect has reviewed the submitted details. As is set out earlier in this report they have raised objections to the proposals. In their comments a series of areas of objection are raised.

- They note that 'the setting of the City Walls is in part defined by a hierarchy of spaces, the more open garden space setting immediately adjacent, the mix of domestic scale properties as you look toward the Minster (generally increasing in scale toward the Minster, the buildings closest to the wall both small scale and low key); and finally the Minster itself with its scale and grandeur dominating the whole. The proposal interrupts this hierarchy (reducing the dominance of the Minster) by introducing a very large footprint building where there currently aren't any'.
- This site (particularly to the rear of Minster Court) provides a largely empty, quiet, undeveloped, and spacious setting for both Minster Court, but also the Minster itself. The spaces are domestic in character, lean-to greenhouses and the curtilage listed workshops and garages have a very strong 'back of house' character which contribute to the significance of this part of the conservation area and setting of listed buildings and structures. The new building will be far larger than any other ancillary buildings in this location with no sense of domestic scale or character.
- The Conservation Area Appraisal (Minster Precinct) describes the character of the proposed sites, North of the Minster, and states: 'Today, the character of the Precinct splits into two contrasting parts. North of the Minster it retains much of its historic seclusion and is marked by broad green openness, and an almost complete absence of roads.
- It is important to recognise the importance of how tranquil and secluded the site feels and contributes to the setting of various assets. The setting of

heritage assets is defined as how the asset is appreciated but this isn't just visual device.

- The approach to opening up the full upper elevation of the new elevation of the new building towards the wall to create a 'public front' to the building promoting the uncharacteristic activity within this quiet, domestic setting is wrong and views into active workspace should be limited to glimpses to minimise the negative impact on the current 'quiet' character the sites currently hold.
- The proposed building will be far more distracting than the current development within the garden space is, and this will harm the setting of the walls, listed buildings and Minster.
- The linear plot divisions are particularly distinctive in this location and contribute strongly to the aesthetic and historic heritage values of the site. It was an important consideration during the pre-application process that this was a proposal for two sites and not one. The current proposal will obliterate and appreciation of the historic plot separation.
- The proposed architectural language of the building is also very alien in its context. Combined with the roof and scale results in a building that lacks any domestic character and will appear strikingly discordant in this location.

5.37 The Conservation Architect concludes their comments by stating that, in their view, the setting of the walls, Minster and Listed Buildings will be harmed by the introduction of a building substantially larger than any that currently exist in this location, that obscures any understanding of the historic plot boundaries, and existing spacious garden and ancillary back of house character in an architectural language of building that does not relate positively to existing character. They close their comments stating that they do not consider the proposals to have 'sufficiently addressed the issues raised at pre-application stage, do not meet the requirements of the Minster Neighbourhood Plan, and would cause a high degree of less than substantial harm to both setting of historic assets, and character of the conservation area'.

5.38 Given the significance of the application site and the extent of the proposals Historic England have also been consulted on the proposals. They too have identified that, in their view, the proposals would give rise to a medium level of harm being caused to the character of the Conservation Area and the contribution setting makes to the significance of the City Walls. They also conclude that a low level of harm would be caused to the Minster by affecting the contribution setting makes to its significance.

5.39 Historic England then go on to make a series of suggestions to mitigate their concerns:

- Strongly encourage the single roof unifying the complex is revised in favour of it being read as a collection of buildings around a variety of open spaces. We consider disaggregating the roof form of the main building into different components would help better integrate the structure within the grain and roofscape of the surrounding residential buildings.
- A reduction in the eaves extension on the external elevations would reduce the expanse of the building. This would in turn help reduce its disrupting impact on the setting of the City Walls and surrounding designated assets.

5.40 The applicant has provided a response to these concerns raised by both Historic England, these are covered in greater detail in the design section of this report. Despite the concerns highlighted by both the Council's Conservation Architect and Historic England the applicant has not advanced any revisions to the proposals. The applicant maintains that the proposals stand and, in their view, provides clear justification for the scheme.

5.41 The proposals would result in a degree of harm being caused to the character and setting of various heritage assets that exist within the vicinity of the site. As is set out above the extent of this harm is graded by differing parties at slightly different levels of extent. However, all have stated that they consider the impact to be less than substantial harm. The Conservation Architect assesses the harm as being at the higher end of less than substantial. Historic England have categorised the harm as being medium. The submitted Heritage Impact Assessment concludes that a moderate degree of less than substantial harm to the significance of heritage assets will occur.

5.42 The proposed development would give rise to a degree of harm being caused.. Paragraph 200 of the NPPF states: 'Any 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, Substantial harm to or loss of: grade II listed buildings or grade II registered park or gardens, should be exceptional; assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- 5.43 It is also important to quantify the impact upon designated heritage assets. Paragraph 201 of the NPPF is clear, subject to a series of defined exceptions, that in cases where substantial harm would occur local planning authorities should refuse consent. The level of harm that could arise in this case has been categorised as being less than substantial.
- 5.44 In cases where the level of harm is assessed as being less than substantial paragraph 202 of the NPPF is of relevance; this states 'Where a development 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.'
- 5.45 The possible public benefits are considered later in this report.
- 5.46 As the proposals would be considered to cause harm to the character and setting of multiple designated heritage assets, albeit to varying degrees and to a level that would be considered at worst at the higher end of less than substantial harm; harm nonetheless would result. As such the proposals would be contrary to policies D4 and D5 of the DLP 2018.

Archaeology

- 5.47 The application site is located within the defined Area of Archaeological Importance as well as being located within the Scheduled Monument area that is the Minster Precinct. The application site is within the area of the former Roman fortress and in particular close to a former gateway. Therefore in this context it is considered that there is the real possibility for material of archaeological significance or interest to be present on the site. Given the nature of the proposed development there is the risk that any such material which may be present at the site could be disturbed as the development will necessitate intrusive ground works.
- 5.48 Paragraph 194 of the NPPF requires: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.
- 5.49 Archaeological investigations have already taken place at the site and the findings of these have been submitted in support of this application. The investigations involved the digging of two trenches within the site. In both

trenches probable garden soils were encountered. No significant archaeology was found in either trench. These investigations were undertaken in support of the application and upon the advice of Historic England.

- 5.50 The City Archaeologist has reviewed the submitted details and raises no objections to the proposals. They do however note that despite the trial trenching not uncovering any significant archaeological material there is still the potential for material of archaeological significance to be encountered on the site. The use of single storey structures also reduces the extent of intrusive ground works as any building foundations would not need to be as deep as they would be for a multi-storey structure. The submitted structural engineering report also indicates that a range of foundation options will be available depending upon the outcome of further site investigations. It is also considered that the proposed attenuation tank should be shallow enough (0.8m) to be of negligible archaeological impact.
- 5.51 Overall it is considered that whilst there is the potential for the development to encounter or disturb archaeological material the submitted details indicate that such risks could be suitably mitigated given the intended scale and depth of excavation that would be required to facilitate the development.
- 5.52 In the event of granting planning permission given the potential of the site to contain archaeological material it is still considered necessary to require an archaeological watching brief be placed on the site during development. Such measures can be secured via condition and would provide a Written Scheme of Investigation under which the development can be monitored and should any archaeological deposits be encountered appropriate measures can be agreed to appropriately record and document any findings.
- 5.53 Subject to the conditions set out above to secure a watching brief over the site it is considered that the proposed development could be undertaken in manner that accords with the provisions of Policy C3 of the Minster NHP, Policy D6 of the 2018 DLP and Section 16 of the NPPF.

Highways and Access

- 5.54 Access to the site would be via Minster Yard, an existing Private Road which serves the existing properties in the locality of the site. Space would be provided in the courtyard area in the centre of the site to facilitate the turning

of vehicles. Existing parking arrangements for the neighbouring properties including The Deanery would be maintained.

- 5.55 Policy T1 of the DLP 2018 deals with sustainable access and states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.
- 5.56 Given the location of the proposed development within the city centre the proposals would be considered to be in a highly sustainable location. A wide range of amenities and services are readily accessible within the city centre. There is also good wider connectivity to public transport services.
- 5.57 The proposals seek a car free development and seeks to minimise additional vehicular journeys from the site. Deliveries to the site would be infrequent and conducted in a similar way as to at present utilising the applicant's own vehicles. Details of a swept path analysis have been provided which colleagues in Highways have confirmed are satisfactory.
- 5.58 Within their comments Highways have highlighted the possible conflict within the Quadrangle between pedestrians and the stone loader. It is the stone loader which will be used to move stone from the Technology Hub on Deangate to the Heritage Quad. These movements are proposed once a day and will be completed before 9am. The stone loader compact tractor style machine measuring 2.5m in length and is articulated in the middle to allow for greater manoeuvrability in confined space. To minimise this conflict, they have suggested that the applicant should confirm whether this will be the only vehicle allowed within the Quadrangle and whether a banksman should be used when the stone loader is being operated within the quadrangle. However, this is not considered necessary in the context of determining this application. These movements would not occur within the public highway, they are undertaken by the site operator, using the operator's equipment and by their staff. As such it is not considered that these concerns fall within the remit of the LPA for the purposes of determining this application. Instead, they will be the responsibility of the applicant in the context of general health and safety within a work environment.
- 5.59 The applicant has indicated their intention to provide a total of 8.no cycle spaces in the development. These would consist of Sheffield Hoops located

adjacent to the garden store entrance. Colleagues in Highways have however concluded that the cycle parking requirement, based on the scale of the development, would be 14 spaces. This would require the provision of 3.no additional Sheffield Hoops. It is considered that these details can be secured by condition in the event of planning permission being granted.

5.60 Highways have recommended that in the event of permission being granted conditions requiring the details of cycle parking to be agreed and a condition requiring the agreed details to be laid out and provided prior to the development coming into first use should be included in the grant of planning permission.

5.61 The proposals would allow for the existing Deanery to retain its existing parking provision and subject to the suggested conditions should be capable of securing appropriate levels of cycle parking. The proposals are therefore considered to accord with Policy T1 of the DLP 2018.

Design and Layout of the Site

5.62 Paragraph 130 of the NPPF requires that planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- Create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing future users, quality of life or community cohesion and resilience.

5.63 Policy SS3 of the DLP 2018 relates to York City Centre. Policy SS3 identifies the city centre as being the priority area and the principal location in the City of York area for the delivery of economic growth. Policy SS3 goes on to state: 'York Minster Cathedral Precinct is approximately 8 hectares in size. The Minster is still the pre-eminent structure in the City of York today and it

continues to play a significant role in the religious, social and cultural life of the city. The Council will work with the Minster authorities, as appropriate, to future plan for its development to better reveal the significances of its special character and appearance.

- 5.64 Policy SS3 then sets out a series of principles to take into account when considering city centre development proposals. These include subsection (i) which states: 'Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses'. Subsection (ii) then states: 'Enhance the quality of the city centre as a place and rediscover the outstanding heritage of the city centre as a place and rediscover the outstanding heritage of the city with reanimated and revitalised streets, places and spaces and improved settings to showcase important assets such as the Minster and Clifford's Tower'.
- 5.65 At present the existing design and layout of the site is domestic in its character and general sense of feeling. This is characteristic of this side of the precinct, typically being more tranquil. The existing development in this area is typically subservient and somewhat ancillary to neighbouring uses. Viewing the site from the North East a general hierarchy of buildings can be seen. Those in the foreground such as the existing Deanery garages are ancillary type buildings which serve those buildings next in the hierarchy such as The Deanery and the properties at Minster Court. At the top of the hierarchy and dominating views is the Minster itself.
- 5.66 At present the existing Deanery garages are situated to the North East of the Deanery. The courtyard area of the garages is enclosed by a boundary wall which at its opposite encloses the gardens of properties at Minster Court. A potting shed and greenhouse are built off of the boundary wall and stand in the garden area of the neighbouring property. The existing garages occupy an approximate area of 307m² and stand to a maximum height of 6.2m to the highest ridge point, the height of the lower ridge point is approximately 5.4m. The potting shed and greenhouse cumulatively occupy a footprint of approximately 35m² standing to maximum height of 4.6m.
- 5.67 The proposed development will have a far larger built footprint than the existing buildings. The scaffold store will cover approximately 130m². The main workshop building will occupy approximately 600m² whilst the breakout pavilion will occupy approximately 60m². The proposed overall heights of the

various built forms will not exceed the current highest point of the existing garages. The proposed highest point on the main building is 5.7m this is only 30cm taller than the existing lower ridge of the garage and 50cm lower than the highest ridge point of the garage. This along with the design and form of the proposed roof allows for overall built heights to be reduced across the site and rationalise the massing of roof forms on the site. The reduction in roof heights allows for an enlarged field of view from the City Walls walkway.

- 5.68 The proposed development will change the existing character of the site due to the overall increase in the amount of built form on the site and also due to the contemporary nature of the proposed design. The proposals would alter the existing visual hierarchy by virtue of the increased amount of built form in the immediate foreground of views from the City Walls. However the general arrangement of the hierarchy would be retained insofar as buildings heights generally increase moving toward the Minster itself.
- 5.69 The submitted Design and Access Statement acknowledges the existing character of the site. Noting that the existing structures sit as a garden outbuilding. The Design and Access State goes on to state: 'The garden character is retained firstly by reusing the same footprint of the existing structures and yard, and then by extending where they already exist to meet the project brief. The proposal reuses the existing U-Shaped garages and walls to form a 'Quad' courtyard. The existing brick walls are retained where possible and a new radial timber roof shelters the single storey building joining the old and new walls together.
- 5.70 Referring back to Policy PA4 of the NHP. Policy PA4 states that proposals should respond positively to the historic character of the site, including: setting of the walls, views from the City Walls to the Minster, the linear land divisions, the characteristics of the historic roofscape and the ancillary 'back of plot' history and nature of the site.
- 5.71 Considering the setting of the City Walls and views from the City Walls to the Minster. The overall increase in the built form on the site will impact upon the setting of the City Walls. However, this will be offset to a degree by reason of the overall building heights being kept beneath the existing highest point. This will also assist with preserving views of the Minster from the City Walls. The development will not block or obscure existing views. However, it has to be acknowledged that the character of the view will change by virtue of the introduction of the expanse of roof covering the proposed building. In the

general locality the typical character of the roofscape is pitched roofs comprising of a mixture of red tile and slate type finishes. The proposed form of the roof would differ from that which exists in the locality. The proposed use of standing seam zinc would introduce a new material. Although the colour finish of this material, typically, a warm grey or brown, could allow for the roof to be kept in keeping with the general colour finishes of the roofscape. It is also noted that much of the Mister itself uses a grey roof finish.

5.72 Having regard to the linear land divisions and ancillary 'back of plot' nature. This has been a point of much discussion with the applicant throughout this project. The existing character of the site is one of a collection of ancillary type buildings which serve a functional purpose to the nearby residential properties. This is a feature that Policy PA4 of the NHP requires that development responds to. When looking at the proposals in plan form it is considered that a degree of disaggregation has been achieved and the building could be read as its component parts – such as the scaffold/garden store, the main workshop, the living accommodation and the breakout pavilion. Although, in practice, this effect is lost to a degree by the proposed roof as that covers the main areas in the centre of the site, a point that has been raised by Historic England in their consultation comments. At most, visually, the proposal would generally read as three elements; namely the scaffold garden store, main building and the breakout pavilion. Whilst the breakout pavilion is linked via a covered walkway the walkway would use a green roof which should assist with softening the physical link between the two.

5.73 The matter of disaggregating the component parts of the site could, to a degree, be assisted by the proposed landscaping and finishes to be utilised in the scheme. It is proposed that much of the space between built forms will either be landscaped gardens or in the paved areas such as the scaffold/garden store and quad courtyard area green pavers are proposed. These would let low level vegetation grow through them creating a greening effect.

5.74 In response to the suggestions from Historic England to further disaggregate the buildings and reduce the eaves extension of the building. The applicants made the following submission:

The current proposal aspires to express a collegiate community, above a collection of different buildings clustered around open spaces. Since pre-application stage, the design has developed from one roof and one structure

into three roofs and four structures connected by covered passageways. Each part of the roof already has different programmatic and contextual characters, to reflect the 3 disaggregated buildings over which it sits. To disaggregate the roof would create a building less fit for purpose and would compromise the symbolic role of celebrating a community of heritage craftspeople under one roof. It will also mean losing the strong contextual framing of the Minster as a focal point'.

With regard to the suggestion concerning the eaves reduction the applicant has responded:

'We refer to the City of York's Conservation Management and the Neighbourhood Plan's Heritage Impact Assessment as well as Policy 4A. The project should invite "greater public access to the world-class masonry by means of public viewing into the workshop from the City Walls". (Heritage Impact Assessment, Neighbourhood Plan). The accompanying planning documents, particularly the Heritage Impact Assessment, demonstrates how the building is designed to not 'disrupt', but be complementary in context, and invite public views from the City Walls. The roof has been designed to be modest in scale and to be unobtrusive to key views. The eaves also have environmental, programmatic, structural roles, minimising glare and solar gain, protecting timber elements from rain, creating covered outdoor spaces, and optimising the structural efficiency of the walkway canopy as a back-span. The eaves have helped to practically achieve the disaggregation that has successfully arisen from our dialogue with Historic England and has been most effective in reducing the expanse of building.'

5.75 The proposed development will be of a contemporary design and character. The proposals will utilise a range of exterior materials and finishes. These will include the retained walls of the garage and boundary wall which will be repointed. Elements of the exterior will also use stone cladding, timber will also be heavily used in the building with external walls being clad and much of the internal structure such as exposed roof and internal beams will also be timber. The roof is to be metal standing seam. In the event of planning permission being granted it would be appropriate to condition that full samples of materials to be used in the development are submitted to the LPA for approval, prior to their use in the development. It is considered that the contemporary design of the proposal would continue to reflect the evolution of the precinct over time. Across the precinct there are instances where the design of a development differs from that which has come before it. This is not

necessarily a bad thing. Rather it reflects the point in time at which the proposal was conceived – utilising the knowledge, skills, technical progress and tastes of the day.

Residential Amenity and Public Protection

- 5.76 Policy ENV2 of the DLP 2018 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures.
- 5.77 The proposed development will result in a notable change from the existing operation of the site. At present the land is in a more ancillary type use to the existing properties which surround it. The existing Deanery garages are utilised to some extent already for the purposes of general storage for the Minster Estate for the Gardening and Scaffold teams. There is therefore, to some degree, already an element of residential/commercial hybrid type use. The proposals would however change this more markedly introducing an intensified commercial type use through the introduction of the stonemasons workshop.
- 5.78 There are already a number of existing residential properties within the immediate vicinity of the application site. The closest of which are The Deanery and No's 1,1a, 2 and 3 Minster Court. These properties fall within the ownership/control of the applicant and are used as staff housing. The closest neighbouring properties which are outside of the control of the applicant are The Grays Court Hotel and Treasurers House which are located approximately 45m away to the south east of the existing garage forecourt.
- 5.79 The general design and layout of the proposals is such that they do not give rise to concerns that the resulting development could have an adverse impact upon the residential amenity of the existing area and neighbouring properties insofar as introducing issues of overlooking, overshadowing or development which could be regarded as having an overbearing impact upon neighbouring properties.
- 5.80 Given this existing environment the provision of the 6.no student accommodation units does not present any undue concerns with regard the potential introduction of new sources of pollution or disturbance to the area

which may be harmful to the existing residential amenity of the area. In contrast to this the introduction of a stonemason's workshop will have the potential to introduce a potential source of pollution from factors such as noise, dust and vibration as a result of the works typically undertaken in a stone mason workshop. However it should be noted that within the details submitted the applicant states that the proposed workshop will not utilise the same more heavy duty type of noise producing machinery such as saws, lifting equipment. Instead this workspace would be used for the more intricate hand carving element of the stone mason process. Therefore tools to be used on site will primarily be hand tools. This should mean that the operation of the workshop does not give rise to significant levels of noise disturbance.

- 5.81 In the interests of ensuring that the proposed accommodation is utilised for its intended purpose, to accommodate apprentices, and given its general design and layout which would not typically lend itself to being used in an alternative manner. It is considered appropriate, in the event of granting planning permission, to limit the occupancy of these units to students who are connected to York Minster.
- 5.82 The Council's Public Protection team have reviewed the proposals and have not raised any objections to the proposals. They have however recommended that in the event of planning permission being granted a series of conditions be attached which will assist with mitigating the potential risks of any pollution type impacts which may arise from the development.
- 5.83 The requested conditions include one relating to the installation of any plant or machinery in the building; this would require details of any machinery being installed, which will be audible outside of the building, to be submitted to and approved in writing by the Council. Whilst it is noted that the applicant envisages the work will primarily use hand tools it is considered that the recommended condition will provide suitable protections to neighbouring properties in the event of heavier noise omitting type machinery being introduced on the site.
- 5.84 A further condition requiring a detailed scheme of noise insulation measures for use in the residential units is also recommended. This will ensure that the proposed residential units are suitably insulated from the possible noise disturbance from the neighbouring workshop. A condition requiring the submission and agreement of a Construction Environmental Management Plan (CEMP) has also been requested however this given the scale of the

development and its proximity from neighbouring, non-applicant related properties a CEMP is not considered necessary in this case.

- 5.85 Finally, conditions relating to potential land contamination are also recommended. These conditions cumulatively would establish the potential risk of ground contamination, secure mechanisms by which remediation works can be secured, verify that these remediation measures have been undertaken and also secure a mechanism by which instances of unexpected land contamination can be reported and then dealt with. These conditions will ensure that the potential risk presented by land contamination is quantified and mitigated against in a suitable manner that will not give cause significant harm to health or the wider general environment.
- 5.86 Overall, it is considered that, subject to the conditions set out above, the proposed development would accord with the provisions of Policy ENV2. The development would not give rise to significant environmental impacts or introduce new sources of pollution nuisance which would be prejudicial to existing or future occupiers or neighbours of the site.

Ecology

- 5.87 As part of the submission an Ecological Impact Assessment has been provided along with an Ecological Constraints and Opportunities appraisal. The documents cover both sites which would comprise of the Centre of Excellence (The Deanery and the Stoneyard). There are no National Site Network designated sites located within 5km of the application site. The closest UK designated site to the application site is St Nicholas Fields Local Nature Reserve situated approximately 0.9km away to the east.
- 5.88 Paragraph 174(d) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by; 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy GI2 of the DLP 2018, requires that development conserves and enhances York's biodiversity. Development should not result in harm being caused to or the loss of existing ecological and biological features.
- 5.89 The submitted Ecological surveys have concluded that the site provides low suitability for bats and additional survey work has shown that no roosting bats are likely to be present. A low number of birds were also recorded within the

Deanery garages site. The submitted survey concludes that no significant adverse ecological impacts are to be predicted in the absence of mitigation, either during construction or the operation of the development.

Notwithstanding this a series of mitigations are proposed to ensure that a minor positive impact can be achieved.

- 5.90 The proposed development will utilise a series of features which will assist with providing a degree of ecological mitigation. These include the landscape design, the provision of a green roof over the proposed breakout pavilion, botanically rich planting and the provision of water features. The submitted Ecological Constraints and Opportunities appraisal submitted with the application has identified a number of opportunities to enhance the ecological value of the site and its immediate surroundings. These include the installation of roost and nesting boxes for bats and birds along with the sympathetic management of existing green spaces within the precinct.
- 5.91 The Council's ecologist has reviewed the proposals and the submitted ecological surveys. They have confirmed that they have no objections to the proposals; noting that overall the proposals will be beneficial to local ecology through the provision of features such as green roofs, botanically rich gardens and the provision of water features. However, to ensure that this is the case they have advised that it would be appropriate to condition the provision of a biodiversity enhancement plan. This will as a minimum secure the mitigation measures set out within the submitted ecology reports.
- 5.92 Subject to the recommended condition it is considered that the proposals would accord with the provisions of Policy GI2 of the DLP 2018 and section 15 of the NPPF.

Trees and Landscaping

- 5.93 The northern side of the Minster Precinct is characterised as being quieter than the southern side of the precinct, as is highlighted in the Minster NHP. This due to the fact that the Northern side of the precinct contains fewer of the public facing elements of the Minster; as a result the Northern side is greener with a higher prevalence of open space such as Deans Park and landscaped garden areas which are related to the various residential properties.
- 5.94 There are a number of High and Moderate Quality Trees within the immediate vicinity of the application site as identified within the adopted NHP. Policy B1

of the NHP states; 'Where development proposals would affect existing trees: Any harm should 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.'

- 5.95 Policy B1 goes on to state; 'Development proposals affecting trees should be supported by: a tree survey in accordance with BS5837. Drawings, as appropriate, showing the position of trees and other landscape features, existing and finished site levels, services and sight lines. An arboricultural method statement and impact assessment.
- 5.96 A Tree Survey and Arboricultural Impact assessment has been submitted in support of the application. Many of the trees identified within the survey that are situated in close proximity to the proposed development have been categorised as being of High (Category A) or Moderate Quality (Category B). The submitted Tree Survey has identified a total of 40 trees or groups of trees which stand in close proximity to the development.
- 5.97 In total it is proposed that a total of 8.no individual trees would be removed. Of the eight proposed to be removed 4.no are recorded as Category B Trees. These are T21 – Apple Tree, G22 – Apple Tree, T22 – Bay Tree and T37 – Wild Cherry, 2.no Category C trees; T32 – Yew Tree and T36 – Wild Cherry and 2.no U Category (Unsuitable for retention); T34 – Apple Tree and T38 – Laburnum. The two U Category trees are recorded as being either of poor quality or dead. As part of the development it will also be necessary to Crown Lift 1.no Category A tree and laterally crown reduce 1.no Category B tree.
- 5.98 The submitted tree survey concludes that that of the 8.no trees proposed for removal four would be regarded as small low value trees whilst the other 4 would be regarded as small medium value trees. In all cases replacements are proposed as part of the landscaping scheme. The survey has also concluded that the two trees requiring pruning works, whilst their appearance would change, the change in form is not considered to affect the streetscene or appearance of the tree significantly.
- 5.99 Of the trees to be retained on site there are three (2.no individual (T19, an Upright Cherry and T26 a Yew Tree) and 1.no partial group (3.no within G35. Sycamore, Acer and Norway Maple) where development would be in close proximity or within the identified Tree Protection Zones. Encroachment into tree protection areas can pose a risk to existing trees. Considering the

potential encroachment that may occur in this case the encroachment into the area related to G35 would appear to be limited to the area where the lapidarium is to be located. Here ground works would likely be limited to the laying of the stepping stones to create a walkway through the area. Having regard to the potential encroachment into the tree protection zone of T26. This would appear to be more significant and encompass most of the proposed Breakout Pavilion.

5.100 With regard to the proposals for the Breakout Pavilion and its relationship to T26. The submitted Tree Survey notes that in the areas where development encroaches into the root protection zone alternative foundations would need to be used for the building.

5.101 As part of the assessment of the proposals the Council's Landscape Architect has reviewed the proposals within the context of the potential impact upon the existing trees. As has been summarised earlier in this report they have objected to the proposals on the grounds that the proposals would result in the loss of and pose significant harm to Category A and B trees which make a positive contribution to the amenity of the Conservation Area.

5.102 In response to these objections the applicant and their arboriculturist have stated that, with regard to T26, they do not consider that the development is contrary to BS 5837: Trees in Relation to Design, Demolition and Construction. They go on to state that section 7.5.4 of the standard states: 'Slabs for larger structures (e.g dwellings) should be constructed with a ventilated air space between the underside of the slab and the existing soil surface (to enable gas exchange and venting through the soil surface). In such cases, a specialist irrigation system should also be employed (e.g roof run-off redirected under the slab). The design of the foundation slab should take account of any effect on the load bearing properties of underlying soil from the re-directed roof run-off'.

5.103 They go on to state that: 'As a result of the percentage of infringement within the RPA, the proposed scheme should aim to avoid significant changes to the current soil surface, and conditions within the RPA of T26 and therefore, alternative methods of foundations should be considered from the traditional strip foundations. An arboricultural method statement should be provided based upon engineers details for this area. Pile and beam foundations (or similar subject to engineering recommendations) would be recommended within the RPAs of retained trees to minimise root loss and to retain

acceptable conditions for continued tree health and growth'. The scheme can be designed to avoid traditional foundation methods to preserve current soil levels and to maintain gaseous exchange and continued water penetration into the RPA of T26, whilst minimising root loss during the construction phase. This will be subject to engineers design'.

5.104 With regard to the proposed tree losses that applicant notes: 'Whilst five of the trees to be lost are Category B trees (i.e with expected life of 20+ years) the trees themselves are small (9,6,4 and 3m in height) and therefore suitable replacements will quickly establish to mitigate their loss. The two low quality 'C' trees to be lost are also small and replacements will be planned for.'

5.105 The starting point would be to retain as many as possible and where necessary reduce the risk to trees posed by development as far as practicable. Policy B1 of the NHP states where proposals would affect existing trees any harm should be clearly justified in terms of public gain against the value of the trees. It goes on to state that measures should be included which mitigate such harm, including tree planting. Where tree planting is used to mitigate unavoidable and justifiable harm, due regard will be had for the site specific value of any tree, the most appropriate location for tree planting to enhance the character of the precinct. However it should also be acknowledged that developable space within the Minster Precinct is a finite resource. As has been set out above the applicant is confident that appropriate technical solutions exist which could allow the development to take place whilst at the same time providing protection to the trees to be retained. In addition to this replacement and compensatory landscaping and planting is proposed.

5.106 With regard to the proposed landscaping. It is considered that the landscaping proposals would likely be an enhancement upon the existing situation at the site. At present the landscaping comprises of the various individual and groups of trees located at various points around the site. However beyond this the landscaping is relatively limited to lawned areas. The proposed landscaping scheme is more varied with different parts of the site being given different treatments. The intention with the landscaping is to provide a more species rich environment.

5.107 In the event of planning permission being granted it would be recommended to condition a full landscaping scheme with provision for replacements should any planting or landscaping die, become diseased or lost; the condition will

also require, as a minimum the 8 trees lost should be replaced. This should provide an appropriate period of time for the landscaping to properly establish itself. With regard to the retained trees on the site it would be recommended to condition that the development that all trees to be retained on site are afforded protection in accordance with the recommendations set out within the submitted Arboricultural Impact Assessment and Arboricultural Survey to this end conditioning the submission of an arboricultural method statement, to include details of the foundation design of the breakout pavilion would be necessary.

Sustainable Design and Construction

- 5.108 Policies CC1 and CC2 of the DLP 2018 both seek to promote sustainable design and construction in new development and promote low carbon energy generation. The overarching aim of both policies is to promote carbon reduction. Sustainability is also a key strand of the adopted Minster NHP with various policies seeking to minimise waste and pollution and reducing the carbon footprint of the estate. The applicant is also seeking to achieve Eco Gold Church Status by 2025.
- 5.109 The proposed development will incorporate a number of measures to reduce its overall carbon footprint. The fact that some of the existing building of the Deanery garages is to be reused will make a contribution to reducing the carbon consumption and generation of the site. It is indicated within the submitted details that the provision of heating and hot water at the premises would be via Air Source Heat Pump. Other measures will include the provision of Solar PV Panels on the roof of the proposed scaffold store.
- 5.110 The provision of renewable and low carbon technologies in sensitive heritage locations is a balancing act. A balance always needs to be struck between making good use of such technologies whilst also ensuring heritage assets or historic fabric are suitably sustained. The applicant is keen to make sure provision within their projects across the Precinct. In this particular case as a significant proportion of the proposed development is new build it is arguably easier to incorporate such provision – rather than, as is often the case elsewhere, having to retrofit solutions to existing situations.
- 5.111 The current requirements set out within Policies CC1 and CC2 have been surpassed by the latest requirements imposed by Building Regulations. As such Building Regulations would require a higher level of carbon reduction

than policies CC1 and CC2. Therefore in this case rather than imposing a condition to secure the provisions of CC1 and CC2 a higher standard should be achieved under the Building Regulation regime.

Public Benefits

5.112 In support of the application the applicant has submitted a case setting out what they believe to be the public benefits of the scheme. These are set out in the following paragraphs.

A Heritage Asset of International Importance

5.113 York Minster and its precinct is of international importance housing the Grade I Listed Minster, a collection of Grade II and Grade II* Listed properties and one of a number of Scheduled Ancient Monuments in the immediate vicinity. The Minster acts as a major tourist attraction in the North of England, but more importantly is a house of prayer, it is a sensitive and highly complicated area of the city for which its future must be planned carefully.

Safeguarding the Minster in the context of declining Craft Skills

5.114 It costs over £22,000 a day to care for and operate York Minster. The Minster receives no ongoing Government funding or central Church of England financial support towards the care of the fabric and relies entirely on the generosity of our community, paying visitors and funding bodies to sustain its care and operations. Much of the craftsmanship is undertaken in the shadow of the Minster, by the Minster craftspeople.

5.115 The Chapter of York has a vision to establish the Precinct as an internationally recognised Centre of Excellence for heritage craft skills focused around a campus facility. This is a critical programme of reimagining and cementing the long term sustainability of the craft skills which must endure to safeguard the care of York Minster for the next century.

5.116 Reflecting the current context of declining craft skills, only 10 cathedrals of the 42 Anglican Cathedrals in England continue to have their own dedicated craftspeople. Nearly all of these ten have stoneyards based in very close proximity to the cathedral itself. These ten cathedrals form the foundation of the Cathedrals Workshop Fellowship which have joined together to create a

new generation of craftspeople capable of caring for the nations cathedrals and heritage buildings.

5.117 Some, like York, have a full range of trades, whereas others are formed of stonemasons, glaziers, joiners, working closely with plumbers and electricians. The common factor of all yards is that exist solely because of the cathedral.

5.118 The loss of skills through retirement is something the Chapter of York are keenly aware of with some of their longest serving members of staff approaching the end of their working careers. Reports from sector led organisations such as Historic England have also highlighted consistent gaps in the supply of craftspeople with a specific background in historic building conservation.

5.119 In tandem it is important to consider the future and respond to innovation. The return of historic techniques such as hot lime mortar and the introduction of modern processes and working practices such as digital technology, data scanning and Computer Aided Design have been introduced. Apprentices already receive the very best heritage training but have little exposure to the use of new technologies such as CAD and modern saw technology. Embracing these tools will assist in attracting more apprentices to this important national heritage.

Meeting Wider Neighbourhood Plan Objectives

5.120 Aside from safeguarding the restoration of the Minster there are significant other public benefits. Including; creating a world class visitor experience to ensure vital visitor income is sustained. Creating a welcoming precinct. Supporting the day to day life of the in house Minster functions.

5.121 It is the applicant's view that the proposals offer a once in a generation opportunity to create a Centre of Excellence for the Minster which will not only provide a considerable range of meaningful benefits locally but also nationally and internationally. The new facilities would solidify York Minster as an international centre for heritage excellence. Maintaining and enhancing the facilities also offers opportunities for specialist training which will address the skills shortage in a unique heritage setting whilst also securing the conservation of the Minster and its Precinct in the long term.

Economic Benefits

- 5.122 The economic benefits of the proposals are far reaching, building upon direct benefits to the Minster and the City of York to solidify York Minster as an international centre for Heritage Excellence. This would be via the creation of partnerships with international institutions including Trondheim, Milan, Cologne and Washington Cathedrals and Singapore University. These will put York on the national and international stage, acting as a focus for craft skills and investment. Partnerships are fundamental to this project and we (the applicant) have already shown that institutions from across the world are eager to be part of this project for the benefit of heritage sectors internationally. The potential connections the city will make through this project are wide ranging. The University of York for example see this as the beginning of a new heritage sector in the City.
- 5.123 Indirect economic benefits brought about through tourism and the enhanced interaction between the public and the stonemasons building on the success of the Masons Lodge on Queens Path. The Minster has a strong track record of engaging visitors to the process of conservation and sustainable heritage.
- 5.124 The project will create additional commercial opportunities allowing work to be done for other heritage bodies across the Country in the future.
- 5.125 Digital technology sits at the heart of the project. The Minster will embrace digital technology as a tool to support the work they do and to train their apprentices. Work with University of York on a range of digital projects has already started. The statue of HM The Queen was created using the technology that will be invested in.
- 5.126 Ensuring dedicated Minster craftspeople, as well as a training facility for training the Cathedrals Workshop Fellowship. This will assist with addressing the national heritage skills shortage – upskilling workers and creating job opportunities across the heritage skills spectrum.
- 5.127 The provision of state of the art facilities for the stonemasons to allow work to be better showcased to potential benefactors to encourage donations for the upkeep of the Minster.
- 5.128 The sustainable reuse of the existing built form will halt any areas of decline and provide an enduring future which will reduce the need for upkeep allowing funds to spent on other much needed projects elsewhere in the Precinct.

Social Benefits

- 5.129 Creating The Centre for Excellence for Heritage Craft Skills, leading the way on an international stage for future partnerships and knowledge sharing through Research and Development.
- 5.130 The creation of buildings that represent the upmost design excellence, reinforcing the precinct's distinctive character utilising innovative design through the use of flexible adaptable buildings; and the provision of dedicated bed spaces for national and international students.
- 5.131 Building upon the success of the York Minster being the first cathedral to have a Neighbourhood Plan, leading the way in transforming policy and practice in delivering managed change for a heritage asset. Taking the lead from the past, where York Minster has had a dedicated works department since the 11th Century.
- 5.132 Opening up the Minster's activities to the wider city – the proposals will increase public access to the work of the stonemasons and glaziers, by subtly inviting views into the workshops and encouraging public engagement/interest in the craft. This will enhance the public's understanding of stonemasonry as a craft and the key building material of the Minster and its Precinct.
- 5.133 Supporting the Minster's ambition to establish the whole of the Precinct as a national and international centre of excellence for heritage craft skills and heritage estate management focused around a campus facility in line with Neighbourhood Plan Objectives.

Environmental Benefits

- 5.134 Conserves and enhances the internationally acclaimed historic and cultural heritage of York Minster, its Precinct and the Neighbourhood Plan Area. It will also provide a benchmark for new development striving to achieve Eco Gold Church Status by taking a lead on driving the new zero agenda in a restrictive heritage environment.
- 5.135 Creates a truly sustainable development, through the provision of accommodation on site for apprentices in the heart of the city. Environmental sustainability sits at the heart of how the Minster is cared for. Meaningful reuse of materials from the Deanery garages and workshops and the introduction of solar panels contribute considerably to the sustainability of the scheme – aligning with endeavours to mitigate the climate crisis.

5.136 The reuse of a previously underutilised area within the Minster Precinct enables these facilities to be placed in areas of relatively lower significance – compared with the remainder of the highly sensitive precinct.

Planning Balance

5.137 As has been set out in the earlier sections of this report the application site is sensitive, with a number of heritage assets within the vicinity. Whilst there have been objections raised a number of these can be addressed or mitigated via planning conditions as set out in earlier sections. One matter that is agreed between the applicant and technical consultees is that the proposals will result in less than substantial harm being caused to the character, setting and significance, of various designated heritage assets existing within the immediate vicinity of the site and the wider Minster Precinct; although the level of less than substantial harm is viewed differently by different parties.

5.138 The significance of the Minster and its Precinct to the City of York cannot be underestimated. The Minster itself is one of, if not the most significant building in the city. Its presence over the city centre can be experienced in close quarters but it is also a prominent feature within the views and approaches to the city. The City Walls are also a defining feature of the city. The overarching objective has to be to safeguard these assets. It is these assets that form part of city's identity. It is the work of the various craftspeople employed by the applicant that has maintained the Minster and its precinct to date. The proposals within this application would put in place the means to facilitate, grow and sustain this and the associated specialist skills that are required. That is not to diminish the acknowledged harms that the proposals would have in terms of impact upon designated heritage assets. However, it is considered that these harms would in practice be localised and limited to the area of the precinct within which development is proposed.

5.139 Existing views from the City Walls would be altered through the introduction of the new built form on the site. However, as is set out within the adopted Minster NHP development was intended to occur here, hence the designation and inclusion of the site within Policy PA4. Furthermore, whilst the existing views would be altered, they would not be blocked. The proposed development would not be taller than the existing. The Minster would still dominate views from this area of the City Walls and the City Walls would not be totally obscured by the development.

5.140 In considering the Minster Precinct as a whole and the Neighbourhood Plan Area, one characteristic is that space is a finite resource. The southern side of the Minster is more densely developed and is the focus for many visitors. In contrast the Northern side is less densely developed however on the Northern side much of the open space extends right up to the Minster itself. In this context it is therefore difficult to conclude that there is a more suitable or favourable location for the development. The proposals would allow for the skills and work of the craftspeople to be retained within the Precinct that they are tasked with caring for – a feature that has existed for centuries and which itself is a significant characteristic of the overall character and setting of the Precinct. It is also considered likely that any alternative location to the northern side of the Minster would have a far greater impact in terms of impact upon or loss of heritage assets – as it would likely result in development occurring closer to buildings of higher significance such as the Minster or the Minster Library.

5.141 The proposals within this application and the wider concept of the Centre of Excellence being promoted by the applicant represent a new way of thinking for the applicant and they are seeking to take a proactive approach to the issue of declining skills in this sector. The benefits of this appear clear and well-made. They will assist with securing the long-term future of the Minster and the wider precinct. There is also the opportunity to broaden expertise in this field not just within the City but further afield. It could be argued that such outcomes would enhance the Precinct through increasing its standing within the field of Heritage and Craft Skills.

5.142 Whilst the proposals do not fully comply with some of the heritage policies within the 2018 DLP; there are other substantial material considerations that are relevant in the context of the NPPF and the Minster NHP. The NPPF is clear that in cases where less than substantial harm is considered to occur the public benefits of that harm must be considered with the public benefits weighed against the harms. Furthermore the proposals would deliver one of the key aspirations set out within the adopted Minster NHP.

5.143 It is considered that on balance the proposals would bring about greater, longer term public benefits not only to the Precinct and the buildings within it but also the city and even other significant historic institutions not only in the UK but also internationally. Having given considerable importance and weight to the statutory duties in sections 66 and 72 of the 1990 Act, it is considered

that on balance these public benefits outweigh the harms that would be caused.

6.0. CONCLUSION

6.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with development plan. The Minster NHP forms part of the statutory development plan for the City of York; and as is set out above the proposed development is considered to accord with the provisions of the Minster NHP. Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage 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 listed buildings and conservation area. The public benefits are summarised in the earlier sections of this report above. The proposed development will give rise to varying degrees of harm to various designated heritage assets and 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 Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Existing Site Location Plan - Drawing No. 547-Q-000

Tree Survey and Constraints - Drawing No. BA11441TS Rev A

Arboricultural Impact Assessment - Drawing No. BA11441AIA Rev A

Proposed Breakout Pavilion and scaffold store - Drawing No. 547 Q-123

Proposed North West and South East Site Elevation - Drawing No. 547 Q-122

Proposed North West and South East Elevation - Drawing No. 547 Q-121

Proposed South West and North East Elevation - Drawing No. 547 Q-120

Proposed Section E - Drawing No. 547 Q-112

Proposed Section C and D - Drawing No. 547 Q-111

Proposed Section A and B - Drawing No. 547 Q-110

Proposed Ground Floor Demolition - Drawing No. 547 Q-105

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Proposed Roof Plan - Drawing No. 547 Q-103
Proposed Ground Floor Plan - Drawing No. 547 Q-102
Proposed Site Plan - Drawing No. 547 Q-101

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

3 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, including the PV roof covering shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. 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

4 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of neighbouring residents

5 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

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.

6 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

7 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

8 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. 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.

9 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 their use in the development. 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

10 Notwithstanding what is shown on the approved plans, and prior to the development coming into first use, details of the design for hard and soft landscaping including surfacing materials within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development and to safeguard the character and appearance of the York Central Historic Core Conservation Area and to comply with paragraph 127 of the National Planning Policy Framework as well as Policy D1 and D4 of the City of York Publication Draft Local Plan (2018).

11 Prior to the development hereby coming into first use a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted to and approved in writing by the local planning authority, a minimum of 8.no replacement trees will be proposed to compensate for those removed as part of this development. The approved scheme shall be implemented no later than the first planting season after completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of species within the site in the interests of the character and appearance of the conservation area and visual amenity.

12 Before the commencement of development a finalised and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), specialist construction techniques where applicable, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material where development is proposed within the root protection area of existing trees. A copy of the document as approved will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the public amenity and/or the amenity and setting of the development.

13 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 shall be agreed by the Local Planning Authority before it can be approved.

A) No site investigation, demolition below foundation slab or new development shall commence until a written scheme of investigation for a watching brief (WSI) 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 (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority. This condition is imposed in accordance with Section 16 of NPPF.

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.

14 A biodiversity enhancement plan/drawing for the Deanery shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The plan should include, but not be limited to, two roosting boxes for bats, two boxes for nesting birds and the inclusion of night scented flowers within the planting scheme. The approved details shall be implemented before the building is brought into first use.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

15 Prior to the installation of any new external lighting within the Deanery, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

The plan shall:

Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificiallighting-compressed.pdf?mtime=20181113114229&focal=none>

Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

16 No vegetation removal, construction or demolition works shall take place

between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

17 The apprentice accommodation hereby approved shall be occupied only as apprentice housing accommodation. No person other than an apprentice registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course or conference within the City of York administrative boundary shall occupy the residential accommodation at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the accommodation together with course(s) or conference(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant.

18 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The approved machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities

of the area.

19 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

20 Prior to the development commencing details of the cycle parking areas with parking provision for 14 no cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

21 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8.0 INFORMATIVES:

Notes to Applicant

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. Hedgehogs: To ensure hedgehogs can make use of the gardens within the proposed development the applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog. Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

3. 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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877