

COMMITTEE REPORT

Date: 1 September 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/00789/LBC
Application at: Minster Stoneyard 4 Deangate York YO1 7JA
For: Internal and external alterations including re-development of Stoneyard, including demolition of mason's workshop, erection of roof structure and mezzanine floor and reordering of existing buildings and uses to provide internal and external workshops, storage and offices
By: Mr Alexander McCallion
Application Type: Listed Building Consent
Target Date: 7 June 2022
Recommendation: Approve

1.0 PROPOSAL

1.1. The proposed development consists of the redevelopment of the existing Minster Stoneyard including demolition of the mason's workshop, erection of a roof structure and mezzanine floor and re-ordering of the existing building and uses to provide internal and external workshops, storage and office space.

1.2. The application site is located on the south eastern side of Deangate. The site is roughly triangular in its form. The buildings on Deangate enclose an existing internal space which is currently occupied by a selection single storey structures. Access to the premises is via gateways located on Deangate. The site backs onto the terrace of buildings which front Goodramgate.

1.3. The application site sits just outside of the York Minster Cathedral Precinct Scheduled Monument. The site is within the Central Historic Core Conservation Area and a number of the adjacent buildings which front Goodramgate (34 to 38 and 42 to 50) are Listed Buildings. The application site itself is not listed, the LBC application is necessary as part of the works proposed require the lifting of an existing party wall with one of the neighbouring properties which front Goodramgate; it is the neighbouring property that is the Listed Building.

1.4. An associated full planning application is considered elsewhere on this agenda - 22/00788/FUL - Internal and external alterations including redevelopment of Stoneyard, including demolition of masons workshop, erection of roof structure and mezzanine floor and reordering of existing buildings and uses to provide internal and external workshops, storage and offices.

1.5. Also of relevance are applications 22/00803/FUL and 22/00804/LBC which relate to proposals at The Deanery which is situated approximately 250m to the North West of this application site and is accessed off Minster Yard. These applications are of relevance as they include proposals which, along with those proposed at the Stoneyard form part of the Centre of Excellence for Heritage Craft Skills and Estate Management concept that the Minster is pursuing.

1.6. The proposals within the Stoneyard will facilitate the installation of a new 5 Axis CNC saw, new band saw and new stone lifting system to assist with reinforcing the supply of stone for the precinct. This element is referred to as the Technology Hub. The proposals at the Deanery intend to deliver a facility which better brings together the community of craftspeople and associated trades required in the precinct – including masons, scaffolders, gardeners, apprentices and researchers. This aspect of the proposals is referred to as the Heritage Quad.

1.7. The Centre of Excellence is intended to begin addressing the 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. The intention of the applicant is 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 with other similar institutions globally.

1.8. 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.

2.0 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 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to listed building consent for any works special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

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

2.4. 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 (desirability of preserving the setting of listed buildings) under section 66(1) of the 1990 Act. There is a “strong presumption” against the grant of listed building consent in such cases.

National Planning Policy Framework (2021)

2.5. 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.

2.6. 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.

2.7. Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 197 states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the

significance of heritage assets and putting them to viable use. The positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

2.8. Paragraph 200 goes on to state that 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 parks 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.

York Minster Precinct Neighbourhood Plan

2.9. The York Minster Precinct Neighbourhood was adopted on 16th June 2022. The Neighbourhood Plan now forms part of the statutory development plan for the City of York. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant policies within the Neighbourhood Plan are:

C2 – Listed Building Consent

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.10. 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 with phases 3 concluding in July and 4 currently scheduled for autumn 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).

2.11. Key relevant DLP 2018 policies are:

D5 – Listed Buildings

DRAFT LOCAL PLAN 2005

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

2.13. 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:
 - o 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
 - o 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.

2.14. 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.

3.0 CONSULTATIONS

INTERNAL

Urban Design and Conservation

3.1. No comments have been received.

EXTERNAL

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3.2. No comments received in respect of the LBC application. However the panel commented in relation to the associated Planning Application and raised concerns over the impact of the outlook from properties on Goodramgate. In particular the long blank grey coloured wall which is out of keeping in character and size with the buildings on Goodramgate. Perhaps deleting the grey panelling and thus reducing the overall height of the roof would improve matters.

Historic England

3.3. No comments raised but suggests seeking the views of your specialist conservation and archaeological advisers.

4.0 REPRESENTATIONS

4.1. A total of 2.no letters of objection have been received from interested third parties. The objections received can be summarised as follows:

- Concerned about the impact upon local business The Habit whose roof terrace garden will lose its Minster View.
- The Habit has a well established roof terrace that is sold on its 'Minster Views' these proposals will detract from that.

5.0 APPRAISAL

The key issues are as follows:

- Impact Upon Heritage Assets

Impact upon Heritage Assets

5.1. As set out earlier in this report, the application site is located within the Central Historic Core Conservation Area. The site is also within a designated Area of Archaeological Importance. In addition to this the site is immediately adjacent to the designated Scheduled Monument which comprises of York Minster Cathedral precinct. Finally, there are a number of Listed Buildings, of varying grades within the immediate vicinity of the site. All of which are heritage assets.

5.2. Paragraph 189 of the NPPF states: 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be

conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’

- 5.3. In assessing the proposals and determining applications there is a need under paragraph 197 of the NPPF to take account of; the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.4. Paragraph 199 of the NPPF states: ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policies D4 and D5 of the Draft Local Plan make similar provisions. The duties placed upon the LPA under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.
- 5.5. It is important to consider that potential impacts can take a number of differing forms. There are physical impacts such as those which can occur because of the provision of new buildings or changes to existing buildings and built forms. However, impacts can also be felt in more sensory terms, these can be as result of a change in how a building or space is used; this may introduce new noises which change the existing ambiance of the built environment.
- 5.6. The existing Stoneyard comprises of a broadly triangular arrangement of buildings. The frontage to Denagate is enclosed by a two storey brick building which runs parallel to Deangate; internal views into the yard are limited to views through the existing arched gateways, which are only open when required. The South/South Western flank of the site is enclosed by another two/three storey building which creates a built boundary with the neighbouring Minster Song School site. Much of the Eastern elevation is enclosed by the neighbouring properties which front Goodramgate. At the North Eastern most point of the site some glimpsed views into the site are available by virtue of the space between the application site and the neighbouring Cross Keys public

house and its courtyard. These built features create a triangular void within the site. This is currently filled with varying workshops which have accumulated in a piecemeal manner over the course of the 20th Century. Aerial images of the site show a mixture of roof forms and roof finishes typically of corrugated and profile sheet form.

- 5.7. As part of the information submitted the applicants have undertaken a Heritage Impact Assessment (HIA). This has identified that the proposals have the potential to affect the character and appearance of the York Central Historic Core Conservation Area. The rear boundary walls of 36 and 38 Goodramgate (curtilage listed, Grade II) and the significance of 4-6 Deangate as non-designated heritage assets. Furthermore the HIA has identified that the proposals have the potential to affect the setting of The Minster (Grade I and Scheduled Ancient Monument), The Cross Keys (Public House) and attached yard, gateway and wall (Grade II), 7 Minster Yard (Grade II), 6 Minster Yard (Grade II*) and various Grade II listed properties lining the west side of Goodramgate.
- 5.8. The design of the proposals has been conceived with the stonemasons and contemporary best practice. The works will allow for the provision of a track system which can collect stone from Deangate for distribution throughout the building and storage on a racking system. Stone would be cut using the large wire saw or CNC machine before being transferred to the Heritage Quad (22/00803/FUL). The proposals have been designed to accommodate the functional requirements of the equipment. The lifted roof will create an open-plan space. The geometry of the roof is intended to limit the impact upon views, optimise structural efficiency and its orientation to gather solar energy.
- 5.9. The yard would retain a sense of openness and glimpsed views of the Minster. The rear elevation of 4 Deangate would be revealed in full from within the workshop. The gable end of the new workshop would be partially from Deangate (NE Elevation). At this point the proposed roof is at its smallest segment with the elevation being heavily glazed and using a timber frame.
- 5.10. The proposed alterations focus in areas of low significance – the rear elevation of 4-6 Deangate and the 20th Century infill. This minimises impact upon more sensitive areas of the Precinct. Given the use of the site would remain the same, albeit with upgraded machinery, there would be a negligible increase in

noise and sound and therefore the impact of these environmental factors on the conservation area and setting of listed buildings would be neutral.

- 5.11. The removal of the 20th Century workshops and glaziers staircase, which are not considered to be of any historic significance would cause no harm to 4-6 Deangate. Rather it would remove what is currently a somewhat ramshackle series of buildings from the centre of the yard, most which detract in views of the Minster from the properties on Goodramgate, those of the Minster looking down into the site and in glimpsed views from Denagate. The proposals would create a more visually coherent built form.
- 5.12. As part of the works it is also necessary to extend the existing boundary walls of 36 and 38 Goodramagte. These works would utilise matching materials and therefore would not give rise to any harm being caused to the significance of these buildings. It is only this element which requires the benefit of Listed Building Consent given the listed status of No.36 Goodramgate.
- 5.13. The proposals are not considered to cause harm to the setting or significance of the listed building. The proposals would therefore accord with Policy D5 of the DLP 2018.

6.0. CONCLUSION

6.1. The proposals are not considered to cause harm to the character, setting or significance of the listed building. The proposals would therefore accord with the provisions of Policy D5 of the DLP and Section 16 of the NPPF. 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.

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

7.0 RECOMMENDATION: Approve

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

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

Site Location Plan: Drawing No.547-0000-A
Proposed Site Section: Drawing No. 547-0304-A
Proposed Site Section: Drawing No. 547-0303-A
Proposed Site Section: Drawing No. 547-0302-A
Proposed Site Section: Drawing No. 547-0301-A
Proposed Site Section: Drawing No. 547-0300-A
Proposed RF Demolition: Drawing No. 547-00123-A
Proposed 2F Demolition: Drawing No. 547-00122-A
Proposed 1F Demolition: Drawing No. 547-00121-A
Proposed GF Demolition: Drawing No. 547-00120-A
Proposed Roof Plan: Drawing No. 547-0105-A
Proposed Second Floor: Drawing No. 547-0103-A
Proposed Ground Floor: Drawing No. 547-0101-A
Proposed Site Plan: Drawing No. 547-0100-A
Proposed Site Elevation: Drawing No. 547-0202-A
Proposed Site Elevation: Drawing No. 547-0200-A
Proposed Site Elevation: Drawing No. 547-0200-A

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

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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