

COMMITTEE REPORT

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

Reference: 21/01535/FUL
Application at: The Minster School Deangate York YO1 7JA
For: Change of use of former school to York Minster refectory (use class E) to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub.
By: Mr Alexander McCallion
Application Type: Full Application

Recommendation: Approve

1.0 PROPOSAL

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

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

1.3. The song school building is Grade II Listed. The site is located within the Central Historic Core Conservation Area, a defined Area of Archaeological

Importance and is also located within the Scheduled Monument designation area of York Minster Precinct.

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

RELEVANT PLANNING HISTORY

1.5. An accompanying application for Listed Building Consent has also been submitted under reference 21/01536/LBC - Change of use of former school, to the York Minster Refectory (use class E), to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, internal alterations, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

2.5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.

2.6. 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.

2.7. Case law has made clear that a finding of harm to a conservation area or to a listed building or its setting is a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a “strong presumption” against the grant of planning permission in such cases.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.8. 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. 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).

2.9. Key relevant DLP 2018 policies are:

SS3 – York City Centre

EC4 – Tourism

HW4 - Childcare Provision

D1 – Placemaking

D2 – Landscape and Setting

D3 – Cultural Provision

D4 – Conservation Areas

D5 – Listed Buildings

D6 – Archaeology

D11 – Extensions and Alterations to Existing Buildings

GI1 – Green Infrastructure

CC1 – Renewable and Low Carbon Energy Generation

ENV2 – Managing Environmental Quality

T1 – Sustainable Access

MINSTER NEIGHBOURHOOD PLAN (Submission Draft April 2021)

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

- A1 – Purpose and Ambition
- A2 - Sustainable Development
- A4 – Design Excellence
- B1 – Landscape and Biodiversity Net Gain
- C1 – Historic Environment
- D1 – Wellbeing
- E1 – Movement and Public Realm
- PA1 – Minster Yard and College Green

DRAFT LOCAL PLAN 2005

2.11. 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.

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

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies within this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

3.0 CONSULTATIONS

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

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

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

3.4. CYC Ecologist: No objections raised. 'As the Ecological Impact Assessment provided is up to date, well considered and provides an appropriate level of detail, it is considered that the recommendations provided within the report should be adhered to through conditions.'

3.5. CYC Landscape Officer: No objections raised. 'A considerate landscape scheme that responds very well to the brief, both in concept and in detail, whilst providing a much improved setting for the refectory and a significant new piece of accessible public realm within the minster precinct. Nonetheless the pergola should be omitted, and the long straight boundary separating the refectory from the main lawn should be played down by omitting any form of block base. One option for discussion may be to increase the external space allocated to the refectory by setting back the boundary into the existing lawned area (although this would impact upon the pleasing simplicity of the precinct lawn).

3.6. CYC Public Protection: No objections raised but does request a series of conditions relating to Noise, Odour, Lighting and construction operations.

3.7. CYC Flood Risk Management Team: No comments have been received at the time of writing.

3.8. CYC Highways: Stated that they cannot support the proposals based on identified issues relating to how the proposals tie into the existing network, concerns regarding the proposed surfacing materials, insufficient cycle parking.

3.9. Safer York Partnership: No objections raised – but notes that the premises are situated within the boundary of the CYC Cumulative Impact Zone; although this is part of Licensing policy and not planning policy. It is pleasing to note that the area of the proposed new Minster Refectory will be patrolled by the Minster Police and that the landscape proposal creates a secure park that is bounded by railings with access gates. The applicant may need to apply for a Premises Licence under the Licensing Act 2003. It is noted that bollard lighting is proposed, this should be avoided as it does not project sufficient light at the right height and distorts available light due to the 'up-lighting' effect.

3.10. Historic England: In principle, we are very supportive of the scheme as we consider the new use to be compatible with the heritage values and significance of the building, its setting and the setting of the surrounding listed buildings. The scheme has the potential to secure the sustainable future for the vacant former song school in a role that makes a significant contribution to York Minster's visitor offer. We do not support the addition of Solar PV panels on the principal west and east elevations of the listed building. The lift shaft on the east side of the building will be set back from the principal elevation and sit below the existing ridge line. We do not consider that this will significantly detract from the aesthetic value of the building. It also offers a way of improving the accessibility of the building as a whole without unduly comprising the internal space. We welcome the gradual regrading of the pavement in order to avoid the introducing of new steps, ramps and railings. We

appreciate the challenges in adapting the listed building for the use proposed. Nevertheless, the building has accommodated uses in the past that have not paid particular attention to the historic features of the building, so we recognise that there is the opportunity to reverse some of the harmful impacts and better reveal the historic character and form of the building.

3.11. A further consultation response was received from Historic England on 12th November 2021 following the submission of additional information relating to the provision of PV Equipment on the building by the applicants. In their follow up comments they advise that Historic England does not object to this element of the scheme and that they defer to the LPA on the determination of the preferred alternative – but asks that the LPA satisfies themselves that enough evidence supports the chosen approach and the public benefits outweigh the degree of harm caused.

4.0 REPRESENTATIONS

4.1. The application has been advertised via Neighbour Notification Letter, Site Notice and Local Press Notice. In total 3.no letters of support, one of which is from the Archbishop of York; and 6.no letters of objection have been received. A further letter of representation have also been received from Cllr Vassie, Chair of the CYC Climate Change Committee.

4.2. Call in requests have also been received from Ward Councillors, Cllr Craghill and Cllr Looker.

4.3. The comments in support of the proposal can be summarised as follows:

- The proposals represent an exciting opportunity for the re-use of the Minster School. They will result in the transformation of the area into a new public green space, bringing an improved sense of place to the Minster precinct and the setting of York Minster.
- I am particularly supportive of the emphasis on environmental sustainability which is evident throughout the planning application with the proposed use of photovoltaic panels.
- The creation of a new green space in the precinct will provide space for residents and visitors to appreciate and enjoy the magnificent surroundings.
- At the heart of the vision within the Neighbourhood Plan is an ambitious and unflinching commitment to sustainability, biodiversity and wellbeing which are values resting at the heart of this current application.
- The proposals respect the Minster and its history, its purpose as a place of worship and a spiritual place which is committed to welcome everyone.
- The plan to re-use the former song school is innovative and aims to breath new life into both the building and the open space, in a way that is inclusive

and sustainable – not just environmentally, but also socially and economically viable.

- York Minster has been very clear in its emerging Neighbourhood Plan that the greatest threat to the fabric of this ancient building, the precinct and our many properties are extreme weather events brought about by climate change. Chapter have been very clear that they have a moral duty to lead on the adaption of its heritage assets to respond to the net zero target.
- I commend the Minster team for seeking a way to provide hospitality to visitors to the precinct.
- I want to record my support for the applicant seeking a way to sensitively install solar PV panels.
- Can the city please show some leadership and encourage well considered adaption both in response to the climate emergency and practical needs of the people of our historic city.

4.4. The comments in objection to the proposal can be summarised as follows:

- It has come to our attention that not all the residents of Talbot Court have received consultation letters.
- The application is counter to the aims of the City of York Local Plan as currently submitted for examination.
- The proposals will have repercussions that are detrimental to the environment.
- The application as submitted appears contradictory to the Neighbourhood Forum plan as submitted for examination.
- Since 2013 the number of hospitality units has expanded considerably with more outlets planned for future developments of York Central and Castle Gateway. However footfall in the city centre has continued to decline.
- In the area around the Minster there already exists a very extensive array of hospitality outlets whereas the number of A1 retailers continue to shrink.
- The change of use to hospitality is not a get out of jail card.
- There has been inference for several years that the Minster needs its own dedicated café. The Minster did have its dedicated refectory in the recent past in St Williams College as recently as 2014.
- The proposed extended operating hours and excessive outdoor seating will cause noise disturbance.
- Use of the premises as a school led to minimal disturbance. Longer periods of potential disturbance from annual events such as school fete were notified to residents in advance allowing them to vacate for the day.
- Residents of Talbot Court have been in dialogue with CYC Environmental Health Officers concerning refuse collection, street cleaning and noise on Low Petergate at the front of our properties. The proposals if approved will create significantly more noise impact to the rear of the properties.

- The Minster Song School grounds were only added to the York Minster Neighbourhood Plan during 2020 and there was no consultation with Talbot Court residents.
- The proposals artfully use the term refectory, but there is absolutely no doubt this is yet another large commercial restaurant.
- If the proposals are just for York Minster visitors then the premises should operate in the same time frames as the Minster itself.
- Conditions should be attached to restrict the use of the outdoor space.
- I am opposed to the planned commercial desecration of one of this country's holiest sites.

4.5. The comments of general representation received can be summarised as follows:

- Historic England do not support the addition of Solar Panels stating that they would be non-traditional and out of character with the area.
- Unlike the Cathedral itself Historic England appears to believe that, in this case, climate change will not happen close to historic buildings, that historic buildings are somewhat exempt from a requirement to engage with the pressing challenge of our time.
- The idea that non-traditional materials must be banned from proximity to historic buildings is fraught with contradiction. When opposing double glazing for the Hospitium in Museum Gardens, for example, on the grounds that such materials would be out of keeping with the historic fabric conservationists were not calling for the electricity supply, the twentieth century toilets, radiators, telephony etc. to be removed.
- Similarly with this application Historic England are not calling for the removal of electric light fittings or radiators even though these are plainly not in keeping with the 14th Century monument.
- Exempting historic buildings from playing their part in reducing carbon emissions we will be sunk before we begin.
- The York Minster team are showing leadership on this issue.
- Historic England have published guidance entitled *Energy Efficiency and Historic Buildings – Solar Electric (Photovoltaics)*. They are happy to showcase PV on Gloucester Cathedral but wish to block Solar PV on a minor building beside York Minster.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Principle of Development
- Design, character and appearance

- Impact upon residential amenity
- Landscaping and Ecology
- The impact upon heritage assets.
- Provision of Solar PV Equipment.
- Highways and Access
- Public Benefits

PRINCIPLE OF DEVELOPMENT

5.2. The application site is located within York city centre. Within the context of the 2018 DLP the site is outside the defined Primary Shopping Area and is not designated as a Secondary Shopping Frontage. The site is however designated as an existing school site, however, as outlined earlier in this report, the school has now been closed by The Chapter of York.

5.3. Policy SS3 of the 2018 DLP, which can afforded moderate weight given the stage of preparation of the DLP, focuses on York City Centre. It notes that 'York City Centre is the economic, social and cultural heart of York. It is vital to the character and future economic success of the wider city. Its special qualities and distinctiveness will be conserved and enhanced whilst helping to achieve economic and social aspirations of the Plan.' It goes on to state that: 'York City Centre is identified as a priority area for a range of employment uses and is fundamental to delivering the plans economic vision. During the plan period it will be the principal location in the City of York area for the delivery of economic growth in the tourism, leisure and cultural sectors.'

5.4. Policy SS3 sets out a series of development types which are considered to be acceptable in principle within York city centre. One such defined use is Food and Drink (A3/A4/A5). Under the amended Use Classes Order an A3 (Café/Restaurant) use would now fall into Class E (Commercial Business and Service) – which is the use for which planning permission is being sought in this case.

5.5. Policy SS3 also contains are series of principles which will be taken into account when considering city centre development proposals. These include:

- Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high-quality developments which add to the sense of place.
- Enhance the quality of the city centre a s a place.
- Create a strong evening economy by diversifying the current functions of the city centre to provide more for families and older people and encouraging activities to stay open later into the evening.

- Provide community and recreational facilities to encourage healthy, active lifestyles including the provision of green amenity space in the city centre.

5.6. It is also relevant to consider the provisions of Policy PA1 – Minster Yard and College Green as contained within the Draft Minster Neighbourhood Plan; the policies contained within the Draft Neighbourhood Plan can be afforded moderate weight given the stage of preparation at which the plan is at. The primary focus of PA1 is upon the delivery of welcome facilities to the Minster and the precinct as a whole. Within the context of this application PA1(a) and (b) are relevant. PA1(a) on the project areas map and supporting text states: ‘Former song school building (former part of the Minster school) restored and converted within change of use to create a destination refectory for providing refreshment to visitors to the Precinct’. PA1(b) which covers the open space in front of the Song School building, states ‘New outdoor seating offering visitors and residents a new area within the Precinct to enjoy the incredible views of the Minster.’

5.7. Policy HW4 of the 2018 DLP states that proposals which fail to protect existing childcare facilities will be refused unless it can be demonstrated that the provision is no longer required, no longer viable, or if equivalent replacement facilities can be provided elsewhere. The proposals would lead to the loss of the existing School use of the site; although it is noted that this use has already ceased at the site. The granting of this planning permission would remove the prospect of coming back into use as a school. Whilst the loss of the school facilities is regrettable it is not considered the loss of this facility would provide sufficient justification to refuse planning permission for the proposals, nor is there an overriding requirement to retain the school use of the site. The school was operated as a public school, therefore its function, admissions policy and the catchment area it worked within operated more akin to a business; rather than a state funded school which may operate to serve a defined geographic catchment or community.

5.8. In summer 2020 the operators (the applicant) determined the school was no longer viable and took the decision to close the school. At the time it was reported that pupils would be able to transfer to St Peters School. In this context it could be argued that equivalent replacement facilities could and have been provided elsewhere.

5.9. It is therefore considered that, in principle, subject to all other material matters being satisfied the proposed development would accord with Policy SS3 and HW4 of the 2018 DLP and with the objectives set out within PA1 of the Minster Neighbourhood Plan.

DESIGN, CHARACTER AND APPEARANCE

5.10. Policy D1 of the 2018 DLP states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

5.11. Policy A4 of the draft Minster Neighbourhood Plan states that 'All development coming forward, will, where relevant, be required to demonstrate design excellence and is to be inspired by and contribute to the distinctive and historic nature of the Precinct, to be resilient to climate change and extreme weather events and to reduce carbon emissions'. Policy A4 then details a series of general objectives which includes amongst others, minimising the need for new built development by making use of vacant or underused buildings. Creates a safe, accessible environment for visitors, residents and the local community and improves the public realm around the Minster.

5.12. The most notable aspects of the proposed development in terms of the impact they will have upon the general design, character and appearance of the building are the landscape re-modelling works and the installation of the external lift shaft to the left hand side of the building.

5.13. The proposed landscaping works will provide a large area of outside space which was previously not open to the public. At present whilst the application site can be seen within the context of the neighbouring Minster there is a degree of disconnection from one another by virtue of the boundary railings which enclose the former school building. The proposals would remove a significant section of the railings and open the space up; allowing people to enjoy the Minster from an alternative perspective. It has the ability to create a larger amount of accessible space around the southern side of the Minster which is already one of its more busier approaches.

5.14. The proposed lift shaft would be located to the left hand side of the building, extending upwards from an existing flat roof section. Standing immediately adjacent to the original building before being connected to the first floor via an existing window opening which would be subject to alterations to accommodate access to the lift.

5.15. The flat roof section upon which the lift is to be located is itself an extension to the building which wraps around the rear North East corner of the building. The lift shaft would visually create an imbalance in the appearance of the building as there wouldn't be a similar feature mirrored on the opposite side. The lift shaft is to be clad with terne coated stainless steel which will be finished in lead colour.

5.16. Historic England note in their first consultation response that: 'The proposed terre-coated steel clad lift shaft on the east side of the of the building will be set back from the principle elevation and site below the existing ridge. We do not consider that this will significantly detract from the aesthetic value of the building. It also offers a way of improving accessibility to the building as a whole without unduly compromising the internal space.'

5.17. The introduction of the lift shaft will bring a new feature to the external appearance of the building. However when viewing the building from Deangate the lift shaft will be seen against the backdrop of the neighbouring buildings to the side and rear of the application site. This will, to a degree, lessen its visual impact. It is also considered that given the requirements the lift shaft needs to meet in order to function; the design, location and scale of it is considered to be as compact as it can be.

5.18. Overall it is considered that the proposals would provide an enhanced and accessible space from which the public can experience the Minster precinct. The proposals would lead to significant visual changes to the site as a whole relative to its historic use as a school. However it is not considered that these changes would be considered to give rise to a degree of harm which would be considered to be unacceptable. As such the proposals would accord with policy D1 of the 2018 DLP and policy A4 of the Draft Minster Neighbourhood Plan.

IMPACT UPON RESIDENTIAL AMENITY

5.19. Policy ENV2 deals with managing environmental quality. The policy 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.

5.20. Given the city centre location of the application site there are a number of differing land uses within the immediate vicinity of the site. Whilst many of these form part of the wider Minster estate the application site is located toward the southern extremity of the precinct. As a result there are neighbouring properties immediately adjacent to the application site which fall outside of the day to day management of the Minster; these include Holy Trinity Church to the South East and the residential properties located within Talbot Court situated to the South West.

5.21. The proposals would result in the introduction of a new use to the site. This use will differ from that of school in terms of its nature and potentially its intensity. The proposed use, would in principle, as outlined earlier in this report, be considered to be an appropriate land use within a city centre location. Nonetheless

consideration must be given to the potential impacts the development may give rise to and what, if any, measures need to be considered to suitably mitigate those impacts.

5.22. The proposals will not result in building works which would give rise to either new or intensified situations of overlooking or overshadowing which would be detrimental to neighbouring properties. Nor would the proposals give rise to development which would have an overbearing or oppressive impact upon neighbouring properties.

5.23. Amongst the objections received concerns have been raised around the hours the premises will operate, the manner in which the new public space will be managed and concerns around the likely intensification in the use of the site.

5.24. Amongst the supporting information submitted with the application, the applicant has outlined their proposed hours of operation as being Monday-Saturday 09:00-23:00hrs and 09:00-22:00hrs on Sundays and Bank Holidays. In addition to this they have also provided a noise impact assessment and odour control statement.

5.25. The submitted odour control statement has identified that there is moderate risk of odours being omitted from the building given the nature of the intended use. The submitted statement then goes on to recommend the use of primary and secondary filtration including grease and odour filters and inclusion of an Ozone treatment plant within the final termination of the extract fan.

5.26. The Council's Public Protection Team have reviewed the submitted information and have not raised any objections to the proposals. They note that whilst the Noise Impact Assessment set out a number of options for the design criteria in terms of recommended maximum noise levels of plant. Public Protection advise that in order to prevent noise creep due to the introduction of noise sources into the area and to protect the amenity of nearby residents new equipment's rated noise levels should not exceed the background noise level at the nearest residential premises. Based on the information supplied within the noise report, this would be at NSR1 and would be a target level of below 42dB (A) at the receptor for daytime and below 31dB (A) at night time.

5.27. No precise specifications for the plant equipment to be installed has been provided. In addition to this the applicant has also confirmed that they do not plan on having any inside or outside events such as weddings or events involving regulated entertainment, such as loud amplified music or live music. It is noted that any such use of the premises, due to the historical structure and proximity to residential

properties, would likely result in a loss of amenity and potentially a statutory nuisance to nearby residents. This type of use would therefore require further noise reports to assess the impact.

5.28. In the interests of suitably managing the potential noise emissions Public Protection has recommended a series of conditions. These will require the submission of details of all the machinery, plant and equipment to be installed or located on the premises. A condition preventing no loud amplified music or performance of recorded music or live music anywhere on site is also recommended.

5.29. Amongst the objections received concerns have been raised around the use of the site outside of its normal business hours for example for activities such as staff cleaning the premises.

5.30. An hours of use condition restricting the use of the premises to those hours set out within the application form is also recommended. In interests of mitigating the risks around noise associated to activities such as deliveries and waste collections which would generally be outside the premises a condition restricting the times within which deliveries and waste removals can be undertaken is also recommended. This would restrict such activities to between the hours of 08:00 and 18:00 Monday to Saturday and 09:00 to 13:00 on Saturdays with no such activities being permitted on Sundays and Bank Holidays.

5.31. Furthermore, a specific condition relating to the disposal of glass is also recommended. This would restrict the operator from disposing of glass bottles into external bins at night; outside of the hours of 09:00 and 23:00hrs Monday to Saturday and 09:00 and 22:00hrs on Sundays and Bank Holidays.

5.32. Public Protection has also requested a condition requiring the submission and agreement of a noise management scheme to specify the provisions to be made for the control of noise emanating from the building. In their consultation comments received they suggest that this information is provided before the development commences. However this is not considered to be necessary, instead the details will need to be provided and agreed prior to the building coming into use.

5.33. With regard to the information submitted in relation to odour mitigation. Public Protection are not satisfied that the report submitted and the proposals contained within it provide sufficient information as is required by the relevant public protection guidance with regard to odour control and mitigation. As a result they have requested a condition to require details of the extraction plant or machinery and any

filtration system to be installed to be submitted to, and approved in writing prior to its use in the building.

5.34. As part of the development new and replacement external lighting is proposed at various points around the building along with the approaches from Deangate. A lighting layout plan has been provided which indicates the approximate location of external lighting and the proposed type of light. However at this stage no further technical details such as intensity or potential light spill are known. On this basis Public Protection recommend the inclusion of a condition which requires the submission of a lighting impact assessment prior to the development coming into first use. This will ensure that any external lighting to be used in the development does cause adverse impacts to the amenity of the area.

5.35. An hours of construction condition is also recommended. This will ensure that adequate protection is afforded to nearby residents during the construction works phase of the development.

5.36. Overall it is considered that whilst the proposals will likely lead to a change in how the existing site functions and operates and likely lead to an intensification in the use of the site at new times of the day. The proposals are not considered to give rise to significant concerns with regard to causing a significant detrimental impact to the character, setting and residential amenity of the area and neighbouring land uses. The potential risks that the development presents can be suitably managed and controlled via the conditions recommended by public protection. As such the proposals are therefore considered to accord with the provisions of Policy ENV2 of the 2018 DLP.

LANDSCAPING AND ECOLOGY

5.37. A significant component of the proposed development is the remodelling of external space. Historically during the site's use as a school the area immediately to the front of the school building was utilised as a playground/parking area and outdoor activities area. This space has included things such as play equipment and cricket nets; as a result of these uses the site was enclosed by railings along its boundary with Deangate in order to create a suitable environment for a school to be operated in.

5.38. The proposals contained within this application will fundamentally change this. The intention being to create a larger more accessible public space. The area of hardstanding to the front of the building and extending back toward Deangate will be re-landscaped to provide areas of outdoor seating to the proposed refectory use. The existing lawned area to the North West of the site will be retained with the existing railings rerouted to run perpendicular to Deangate back toward the frontage

of the song school building to enclose the lawned area. This resulting space will then become an open space managed in a similar manner to Dean's Park at the opposite side of the Minster where the space is open to public but is managed by the Minster Police with access restricted outside of daylight hours.

5.39. Policy D2 (iv.) states that development proposals will be encouraged and supported where they: 'create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces.

5.40. The landscaping proposals would clearly lead to an enhancement in the general character and appearance but also the accessibility of the space; a space which is traditionally being out of bounds for many given the use of the site as a school. It will provide a new vantage point from which the imposing presence of the Minster can be experienced.

5.41. The existing approach to the building will also be subject regrading. This will facilitate the provision of level access into the building and negate the need for features such as ramps or external lifts.

5.42. The proposed landscaping scheme has been reviewed by the Council's Landscape Architect who notes: 'The landscape strategy shows a considered design approach to the external realm resulting in a much improved landscape setting for the Minster school building with an appealing and functional space to the front; and legibly public access to a significant area of lawn and open space within the Minster precinct, whilst increasing the visual quality and horticultural interest by such measures as the kitchen garden and the biodiversity and sensory garden, new paving, and additional lawn, as well as practical facilities.'

5.43. Concerns have however been raised with regard to the provision of the parasols to the front of the former school building and the risk that they disrupt the frontage of the building and views toward it – with it being suggested that they should at the very least be de-mountable at the end of the day. The applicant however has stated that this would create other issues concerning the daily removal and installation of the parasols and also issues around storage when not in use. As such they have elected to retain them within the scheme – noting within para 6.52 of their planning statement: '3.no large parasols are proposed, abutting the eastern boundary of the site and a new pergola is proposed within the area that housed the former play equipment. The size and location of the both having been carefully considered given its proximity to the façade of the Refectory. It is crucial that shade and shelter to the external spaces is properly planned for to reduce the possibility for visual clutter that could arise through any operator using temporary free standing parasols (which would not require permission), which could have a negative impact

on the entrance space and views to the principle elevation of the building. Climbers to the wall and gazebo can be integrated to soften the impact of the structure and provide additional noise absorption.

5.44. The landscape officer also suggested that the realigned railings which are to run perpendicular to the building frontage and enclose the northern flank of the open space not be set on a stone plinth or dwarf wall. As it would be odds with the existing curved alignment. It would also create a strong line which would visually intersect the elevation. The applicant has confirmed their willingness to not use a block base/plinth for this section of railing. However they do not want to realign the railing in the interests of preserving as much space as they can within what would become the lawned area. It would therefore be necessary to condition that final details of the boundary treatments are submitted to the Local Planning Authority prior to their use on the site.

5.45. The provision of the pergola and parasols will introduce new features into the landscape which will, to a degree, have an implication upon how the frontage of the building is read and viewed. However, weight is given to the fact that the proposal does allow a more planned approach to the outdoor space – this should negate the need for any further such features or equipment needing to be installed on an ad-hoc basis. The pergola would be of a similar shape and mass to the play equipment that has stood in the approximate location. Historically it has not been uncommon for vehicles to be parked in the same area for pre-longed periods of time when in use as a school.

5.46. As part of the information submitted in the support of the application a detailed planting strategy has been provided. This is considered to be sufficient and in the event of granting planning permission it would be appropriate to condition that the planting strategy is implemented no later than the end of the first planting season following completion of the building works and then retained for a period of at least 5 years. This will allow the landscaping to properly establish itself on site.

5.47. As part of the documents submitted the applicant has provided an Ecological Impact Assessment. This has noted past evidence of nesting birds on the site. As such precautions need to be taken in the event of planning permission being granted. The assessment also highlights a continuing need for the applicant to work with an ecologist to continually develop and provide appropriate biodiversity enhancements at the site. It will therefore be necessary to condition the provision of a biodiversity plan. In addition to this further details are also required with regard to the lighting design.

5.48. Overall the proposed landscaping is considered to be acceptable and will assist with delivering a high quality and accessible public space within the existing Minster precinct. The proposals are therefore considered to accord with Policy D2 of the 2018 DLP.

IMPACT UPON HERITAGE ASSETS

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

5.50. 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'.

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

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

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

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

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

5.55. The NPPF makes a distinction between proposals which cause 'substantial harm' to a designated heritage asset (paragraph 201) and those which lead to 'less than substantial harm' (paragraph 202). It does not automatically mean that less than substantial harm is more acceptable; rather that it means that a different test is applied. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

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

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

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

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

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

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

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

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

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

5.65. The Minster School building itself (Grade II Listed) would be considered to be of exceptional evidential significance. However overall the building would be considered to be of some significance due to its evidential, historical and associative values, although the aesthetic value of its view of the Minster is considered

exceptional. Many of the internal interventions in the twentieth century are considered detracting, as is its current lack of use.

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

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

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

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

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

5.71. The provision of the passenger lift and the required external lift shaft have been assessed as being of Minor-Moderate Detrimental. The applicant justifies this harm on the basis that inclusive access is a key objective of the Precinct Neighbourhood Plan. The negative impacts are acknowledged as being the lift rising above the single storey element, creating a modest visual impact with a narrow line of sight. However the location of the lift outside of the original plan form of the building is considered to be the least harmful option. The placement minimises negative visual intrusion on the key spaces and enables space within the building to

be optimised. There will also be mitigation by design and detail; with the lift being clad as a neutral element.

5.72. Various alterations are proposed at first floor, including the provision of ancillary facilities such as toilets. This will require the sub-division of the central upper room. This is acknowledged as having a minor detrimental impact. However any public use of the building must have the required spaces and facilities both for customers and staff to allow it to function. The space is currently sub-divided as a classroom. However the proposals would allow for the partition walls to be better designed specifically to better reveal the roof trusses and exterior windows. They would also allow for the opening up of two interior blocked windows. The relocation of the toilets to the first floor is also considered by the applicant, to enhance higher status ground floor spaces.

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

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

PROVISION OF SOLAR PV EQUIPMENT

5.75. One component of the proposed development is the provision of Solar Photovoltaic (Solar PV) equipment on the roof of the existing building. Policy CC1 of the 2018 DLP seeks to promote the use and incorporation into development of Renewable and Low Carbon Energy Generation and Storage.

5.76. Paragraph 158 of the NPPF states: ‘When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside of these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.’

5.77. The Draft Minster Neighbourhood Plan also places an emphasis upon the promotion of sustainable development which within an environmental context seeks to reduce the carbon footprint of the precinct over the plan period. Amongst the information submitted the applicant has made it explicitly clear that they believe, given their role within the city, lead by example and that they have a moral duty play their part in tackling climate change.

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

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

5.80. This can create a very delicate situation where, if possible, these competing objectives have to be in some way balanced. However the ability to do this will be extremely dependant upon the subject site and/building. There cannot and is not a one size fits all solution. There are a host of considerations which must be weighed together, not just the potential to decarbonise. The potential for harm to be caused to heritage assets must be considered along with the nature and extent of any harm which may be caused. Retrofitting will not suit all scenarios as the host building has to be capable of accommodating retrofitted equipment. Advancements in

technologies will always create a fluidity to this situation, in that as new products and solutions are developed they may become an increasing number of suitable solutions for use in historically sensitive settings.

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

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

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

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

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

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

5.87. The proposed use of Solar Slates would allow for the visual appearance of a slated roof to be maintained on the building; removing the issue of an obvious non-traditional intervention which would result from the previously proposed integrated cassette type panels. The slates also have a similar operational lifespan of approximately 25 years; which is comparable with other Solar PV solutions.

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

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

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

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

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

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

5.93. In addition to the above the applicant is also intending to use more passive efficiency measures. These include the use of A and A+ rated materials where possible; and simpler measures such as the appropriate control of energy usage within the building, including the use of water through appropriate lighting design and the specification of equipment to be installed within the development.

5.94. On balance it is considered that whilst this aspect of the proposals would result in less than substantial harm, albeit toward a moderate level within the scale, being caused to the listed building and the wider setting of the conservation area; by virtue of the loss of the Westmorland slate roof. The proposals would allow for the provision of low carbon technology within the precinct – a matter which is of high priority to the applicant, in a manner which would be considered to be as discreet as it can be (owing to the particular solution being proposed) whilst still maintaining the external appearance of retaining a slate roof; albeit a subtly different slate. The proposals would provide a modest contribution towards allowing the building to be operated in an energy efficient manner. In this regard the proposals would be considered to accord with the provisions of Policy CC1.

HIGHWAYS AND ACCESS

5.95. Policy T1 of the 2018 DLP deals with Sustainable Access. Policy T1 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'.

5.96. Policy T1 goes on to state that, amongst others, development proposals will be required to demonstrate:

- There is safe access and appropriate access to the adjacent adopted highway.
- There are safe and appropriate links to local services and facilities.
- The provide suitable access, permeability and circulation for a range of transport modes.

- They create a safe and secure layout for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.
- They provide sufficient, convenient, secure and covered cycle storage, ideally within the curtilage of new buildings.
- New roads or accesses through development restrict access for, or otherwise discourage general motor traffic.

5.97. Paragraph 111 of the NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

5.98. The application site is located within the city centre. As such the site is considered to be highly accessible via a range of transport modes including public transport. The primary access to the site is taken from Deangate and this would be maintained in the event of the proposals contained within this application being implemented. The site is located outside of the defined Footstreets area; however the site is adjacent to the Footstreets area which commences immediately to the North West of the site at the gateposts which demarcate entry into Minster Yard.

5.99. The proposals would not provide any motor vehicle parking within the site. However given the city centre location and the availability of both public and private car parking facilities around the city centre this is not considered to be an issue. Monk Bar Car Park is a 5 minute walk from the application site. Informal blue badge parking does occur already along Deangate and this is subject to separate discussions with the Highway Authority.

5.100. The applicant does not propose to use the access from Deangate for service and delivery vehicles. Deliveries will be via a new entrance at the rear of the building which is serviced by an existing alleyway which leads to Goodramgate. Refuse and recycling will be stored within an area to the North East corner of the site with Deangate providing suitable access for this to take place which replicates the existing situation at the site.

5.101. As part of the proposals a total of 22.no cycle parking spaces are to be provided at the site via the installation of 11.no Sheffield type stands. A bike repair stand is also proposed.

5.102. The 2005 Draft Local Plan, Appendix E provides a set of Car and Cycle Parking standards which developments would be expected to accord with. The proposed use of Class E for which planning permission is being sought is not explicitly covered within the parking standards; as the standards are worked out to

the recently amended use classes order. However the A3 Food and Drink standard is considered to be the most appropriate. Within York City Centre area a requirement of 1 space per 10m² of customer floor space is required.

5.103. Highways have reviewed the submitted information and have raised a series of queries.

5.104. The boundary as the application site directly adjoins the adopted highway along its North Western boundary. Works here such as the alterations to the railings and provision of the new gate opening will result in works which will need to be appropriately tied into the extent of the adopted highway. As a result the applicant will need to take great care at these locations to ensure no damage is caused to the adopted footway.

5.105. Clarification has been sought on whether the turning head at the West of Deangate, adjacent to No.1 is to be retained or whether this would be subsumed into the proposed landscaping. The area of land in question is outside of the red line for the planning application and therefore does not form part of these proposals.

5.106. Concern has been raised as to the proposed surfacing materials to be used on the main central spine and the use of resin bound gravel within the site; as highways are aware of such surfaces failing prematurely, and they advise that they should not be used in public spaces. The applicant has been made aware of these concerns, but in any event these spaces are not to be adopted by the Highway Authority and as such any liability for their failure would lie with the applicant. The applicant is aware of this situation and wishes to retain the surfacing as is proposed.

5.107. Highways have also advised that they consider there to be an under provision of cycle parking within the proposals. They have calculated that 40.no spaces are required. This is based on assuming the customer area is 80% of the 499m² that is subject to the change of use as specified within the application form.

5.108. The applicant has advised that the premises would provide a gross internal customer area of 337m². This would equate to a cycle parking requirement of 34 spaces. The guidance goes on to state that in the case of cycle parking standards where the number of spaces per employee is not specified under that particular use class, the Council will negotiate with the applicant for a target of 25% of the required cycle parking provision to be covered and secure. The stands to the front would provide a total of 22.no space which would be accessible to visitors. The applicant states a further 8.no covered spaces would be provided for staff to the rear of the building accessed via the alleyway from Goodramgate; which would equate to a total of 30.no. The 8.no covered spaces to the rear would equate to 23.5%

provision of covered cycle parking; which would be marginally shy of the 25% target set out within the parking standard.

5.109. No details regarding the proposed staff cycle parking have been provided. Therefore it would be necessary to condition the submission of details for approval by the Local Planning Authority prior to development commencing.

5.110. Appendix E to the 2005 Draft Local Plan also includes a set of criteria for parking standard flexibility. The standard states; 'The car parking standards stated are maximum. In addition, each development proposals assessed downward according to site conditions, using the maximum standard as a starting point. This will allow for variations, depending on the individual characteristics of each site. The criteria for assessment will include:

- The built environment
- On street parking capacity
- Access and amenity implications for other residents
- Road width
- Traffic levels
- Type of development proposed
- Accessibility to York City Centre by foot or bicycle
- Level of public transport provision

5.111. The proposals would result in an under provision of cycle parking spaces when applying the standards set out within Appendix E of the 2005 Draft Local Plan, a by a total of 4.no spaces. The assessment that therefore has to be made is whether this under provision would give rise to a situation whereby it would be warranted to refuse planning permission on such grounds.

5.112. The proposals would result in a broadening of the facilities and visitor offer provided by the Minster. The proposals are of a nature which means they may lead to visitors increasing the amount of time they spend within the precinct, given the broader offer of facilities. However it is unlikely that the refectory itself would become a standalone destination. Therefore the proposals may not materially increase the amount of visitors in the area. In addition to this the Minster currently does not provide any sort of visitor parking facilities either for motor vehicles or cycles. Instead existing public facilities are relied upon. The Minster themselves actively advertise that there is no parking at the cathedral, instead directing people to consider using one of the six Park and Ride facilities.

5.113. Many of the visitors to the Minster precinct will likely be on foot. Either because of staying in city centre accommodation, or as a result of simply being in

the city centre already, either arriving in the city by train or having parked at either public car park, Park and Ride site or publicly available cycle parking. There are existing cycle parking facilities in close proximity to the application site. These are situated on Denagate and College Street/Goodramgate. There are also facilities on Petergate.

5.114. The provision of the 30.no spaces within this application would be an enhancement to the existing situation. Increasing the provision of cycle parking facilities within the city centre and immediately adjacent to a designated cycle route. It is acknowledged that the cycle parking provision to the front of the building would not be covered. However there are additional factors to be mindful of in this case. The provision of covered cycle parking to the front would require the addition of further built structures and forms into what is a sensitive setting. As such the provision of uncovered cycle parking is considered acceptable in this situation.

5.115. Whilst it is acknowledged that the proposals would provide an under provision of cycle parking. It is not considered, for the reasons outlined above, that this in itself would warrant the refusal of planning permission on such grounds.

5.116. The proposals would also provide an easily accessible public space as a result of the proposals to create step free access into the building and the site as a whole.

5.117. In addition to the condition requiring details of the cycle parking to be provided. Highways have also requested that a condition be included which requires the proposed parking arrangements to be provided prior to the development being brought into first use. They have also requested informatives highlighting the need for highways agreements to execute elements of the development which are in close proximity to and tie into the adopted highway; and for the need for the developer to be mindful of the potential presence of utilities.

5.118. Overall it is considered that the proposals would allow for a safe and sustainable access to be provided. The proposals would not give rise to a significant increase in the overall amount of traffic in the area. The proposals are therefore considered to accord with Policy T1.

PUBLIC BENEFITS

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

development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, securing its optimum viable use.

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

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

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

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

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

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

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

6.0. CONCLUSION

6.1. Regard is had to the advice in Paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to harm to a listed building and conservation area. The public benefits of the proposal are summarised at paragraphs 5.119 to 5.125 above. Whilst it is acknowledged that elements of the proposed development will give rise to varying degrees of harm to the listed building, Minster Precinct and Conservation Area. It is on balance considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct. There are elements which need to be managed to ensure that the proposals do not adversely harm the residential amenity of the area. However it is considered that these can be suitably dealt with via the range of conditions recommended within this report and as set out below.

6.2. Overall the proposals are considered to accord with the relevant policies contained within the 2018 DLP, the Draft Minster Neighbourhood Plan and National Planning Policy Framework (NPPF). It is therefore recommended that permission be granted subject to the conditions outlined below.

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:-

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

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

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

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

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

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

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

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

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

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

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

Ground Floor Reflected Ceiling Plan Demolitions/Strip Out: Drawing No. (DM)100.1 Rev 2.01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Prior to the development commencing, other than the works to the roof, details of the cycle parking areas, 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.

4 HWAY19 Car and cycle parking laid out

5 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief (and excavation if necessary) is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No development shall take place until a written scheme of investigation (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 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

6 External renovation works and vegetation clearance shall not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable nesting habitat for active birds' nests immediately before such 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.

7 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of landscaping works. The plan should include a minimum of two bat box, suitable for crevice dwelling species and two boxes for nesting birds. The approved biodiversity enhancement plan/drawing shall be implemented in accordance with the approved details and thereafter so retained.

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 by establishing coherent ecological networks that are more resilient to current and future pressures.

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

Specify lighting made 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>
and;

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats roosting or using foraging for food.

The lighting design plan shall be implemented in accordance with the approved details and thereafter so retained.

Reason: To maintain the favourable conservation status of bats.

9 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 machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall so retained and 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+ A1 2019, 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.

10 There shall be no loud amplified music or performance of recorded music or live music anywhere on site.

Reason: To protect the amenity of occupants of the nearby properties from noise

11 The premises shall only be open to the public between the following times:
Monday- Saturday 09:00 hours - 23:00 hours
Sundays and Bank Holidays 09:00 hours - 22:00 hours

Reason: To protect the amenity of occupants of the nearby properties from noise

12 Once the use, approved by this permission has commenced, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

13 Bottles shall only be disposed of into external bins between 09:00hrs and 23:00hrs Monday - Saturday and between 09:00hrs and 22:00hrs Sundays and bank holidays.

Reason: To protect the amenity of occupants of the nearby properties from noise

14 Prior to the development coming into first use, a written noise management scheme shall be submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented and shall be retained thereafter. The noise management scheme shall specify the provisions to be made for the control of noise emanating from the site. The scheme should in particular, address noise from customers indoors and in the outside areas. The scheme shall be approved in writing by the local planning authority prior to the opening of the use hereby permitted and once approved implemented and adhered to.

Reason: To protect the amenity of occupants of the nearby properties from noise

15 There shall be adequate facilities for the treatment and extraction of cooking

odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be retained and appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

16 A full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the external lighting coming into first use. Once approved the details shall be implemented in full as approved and thereafter so retained and maintained. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 contained within the table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

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

17 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

18 Notwithstanding the details submitted or those contained within any of the

specified approved plans, prior to their installation on site details of the boundary treatments to be used to enclose the lawned area shall be submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full prior to the lawned area opening for public use and thereafter maintained.

Reason: In the interests of securing high quality landscaping scheme which is in keeping with the character and significance of the building.

19 The landscaping and planting as shown on approved drawings:

Planting Strategy - Drawing No. 0876-RFM-XX-00-DR-L-0004 Rev PL02 and; Illustrative Landscape General Arrangement Plan Drawing No. 0876-RFM-XX-00-DR-L-0001 Rev PL02 shall be implemented within a period of six months of the completion of development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity, and to compensate for vegetation lost to facilitate the development and provide adequate time for the landscaping to establish itself on the site.

20 Prior to the approved development being brought into first use details and plans of the proposed waste and recycle store shall be provided to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full and maintained for the lifetime of the development.

Reason: To ensure that suitable waste and recycling facilities are provided and to safeguard the character, appearance and setting of the Listed Building and Conservation Area.

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

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

22 Unless otherwise agreed in writing with the Local Planning Authority the Solar PV panels approved by this permission and to be used in the development shall be: GB Sol PV Slate 500 x 250 slates.

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

8.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 21/01535/FUL

Item No: 4c

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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

2. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

Pavement Cafe Licenc - Section 115 - Annemarie Howarth (01904) 551550 - highway.regulation@york.gov.uk

3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. 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 suitable nesting habitat is present on the application site, it should 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.

5. A) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228 2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

B) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link. https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

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

D) There shall be no bonfires on the site.

E) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

6. As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc

Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877