



**Notice of a public meeting of
Planning Committee**

- To:** Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters and Waudby
- Date:** Thursday, 2 December 2021
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 30)

To approve and sign the minutes of the last meeting of the Planning Committee held on 7 October and 4 November 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 30 November 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) Land At Cocoa West, Wigginton Road, York [21/01371/FULM]
(Pages 31 - 124)

Demolition of gatehouse and erection of up to 302 dwellings (Use Class C3), creche (Use Class E) and associated access, car parking, public open space, landscaping, associated infrastructure and drainage, and other associated works [Guildhall Ward]

b) Mecca Bingo, 68 Fishergate, York YO10 4AR [21/01605/FULM]
(Pages 125 - 180)

Demolition of existing buildings and redevelopment of the site to form 276no. room purpose built student accommodation with associated car parking, landscaping and facilities [Fishergate Ward]

c) The Minster School, Deangate, York YO1 7JA [21/01535/FUL]
(Pages 181 - 242)

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 [Guildhall Ward]

d) The Minster School Deangate York YO1 7JA [21/01536/LBC]
(Pages 243 - 264)

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 [Guildhall Ward]

e) College Green, Minster Yard, York [21/01980/FUL] (Pages 265 - 290)

Landscaping works including provision of seating and stepping stones [Guildhall Ward]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Angela Bielby

Contact details:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.


我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Coronavirus protocols for attending Committee Meetings at West Offices

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Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

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- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	7 October 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Hollyer, Looker, Melly, Warters, Waudby, Cuthbertson (Substitute) and Crawshaw (Substitute)
Apologies	Councillors Fenton and Lomas

45. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or discloseable pecuniary interests they may have in respect of business on the agenda.

Cllr Crawshaw acknowledged that he had spoken in objection to item 4b. as a ward councillor when it was first presented to the committee, however it had been agreed that the application presented to the committee in this meeting was fundamentally different and thus Cllr Crawshaw was not predetermined.

Cllr Daubeney declared a personal interest in item 4b., in that he had received treatment for a brain injury and did not feel that he could be impartial. He therefore stated that he would withdraw from the meeting when that item was to be discussed.

Cllr Doughty declared a personal non-prejudicial interest in that his partner had previously been a director at The Retreat. He stated that this did not predetermine him and that he would participate in discussion of the item.

46. Minutes

Resolved: That the minutes of the meeting held on 1 July 2021 and 5 August 2021 be approved and signed by the Chair as a correct record.

47. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

Johnny Hayes spoke on general planning matters, but specifically about the Committee returning to in person site meetings for more contentious and complex applications where he felt an in person site visit would be beneficial. Mr Hayes felt such visits increased public confidence in the deliberations of the Planning Committee and gave members the chance to better understand the site. He also stated that it was a good opportunity for the public to question members and officers on planning applications.

The Chair stated that he would discuss with potentially returning to in person site visits with the Chair of the Area-Planning Sub-Committee, Head of Planning and Development Services and committee members.

48. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**49. Os Field 2800, Eastfield Lane, Dunnington, York
[20/01626/FULM]**

Members considered a major full application from Mr Tate for the erection of 83 dwellings, landscaping, public open space and associated infrastructure at OS Field 2800, Eastfield Lane, Dunnington, York. The Head of Planning and Development Services gave a presentation on the application.

In response to questions from members, officers noted that:

- The acceptable number of dwellings per hectare was determined on case specific basis.
- Allocations within in the Local Plan for number of houses in an area that could be developed were indicative, not definitive.

- The reasons they determined the application was not premature were detailed in the report.
- Proposed road improvements included in the development were to continue the 30mph section of road across the site's frontage while adding access points and pathways.
- The emergency services were consulted during the application process, and did not raise any concerns around emergency access.
- The Council's landscape architect had not raised objection to the removal of hedgerows on the application, but had merely commented on it.
- There had been an identified need for smaller one or two bedroom affordable housing provision through the Strategic Housing Market Assessment, which was why they had been prioritised in this application.
- The first 3 stages of archaeology work on the site were for creating a methodology, carrying out field work and then a report back to the archaeologist. If these findings justify further archaeological work, then there was a possibility for two more stages
- When the report noted a 'high level of local need' for housing, this was referring to the local area of Dunnington as determined by the Strategic Housing Land Availability Assessment.
- It was not considered necessary or reasonable to close Eastfield Lane as part of the development. However, it had been agreed with the applicant to impose a no-right turn from the development down Eastfield Lane. The junction was not considered dangerous by officers.
- Education officers had not raised concerns around that there was no physical additional space to teach more pupils at Dunnington School.
- It was not considered reasonable for the Construction Environment Management Plan for the development to be brought to the ward councillors and local parish council for consultation before approval since the decision was solely to local planning authority's to make, although they could be consulted.

[Cllr Barker joined the meeting at 17:29]

Public Participation

Peter Moorhouse spoke in objection to the application. He stated that he was opposed to building on the green belt, he felt

there were inadequate plans for the drainage of surface water and sewage, and he felt the site was poorly laid-out and constituted overdevelopment. He spoke on housing density, and he felt that the proposed development was too high for the surrounding area and would create precedent. Mr Moorhouse also referred to the National Planning Policy Framework (NPPF), and stated that he believed the application to be premature and not in compliance with policy.

In response to questions from members Mr Moorhouse stated that he felt the net area should be used to calculate housing density, not the total area.

Cllr Rowley, Ward Councillor spoke in objection to the application. He stated the although the Local Plan sought to change the designation of the land the application proposed to develop, it had not yet been approved and was still green belt land, which the NPPF sought to preserve. Cllr Rowley did not believe that there were exceptional circumstances to justify the application and he also felt that there were several brownfield sites in the city which would be better locations for development.

In response to questions from members, Cllr Rowley stated:

- He was not party to discussions of the local plan by the previous administrations.
- He believed that there were adequate greenfield sites within the A64, and that if the green belt had to be built on, he would prefer it was done within that boundary.

Cllr Andrew Dykes, on behalf of Dunnington Parish Council spoke in objection to the application. He stated that he felt the application was premature, and that since the local and neighbourhood plans had not been finalised the land should be regarded as fully part of the green belt. Cllr Dykes also raised concerns around the sustainability of the new development, and highlighted its distance from village transport links to the city centre, which he described as already inadequate. Finally, he expressed the long-standing opposition of the local parish council to building on this site.

Stuart Natkus, agent for the applicant, spoke in support of the application. He stated that housing density was a statistic which was easily manipulated, and suggested the members judge the application by examining the plans. He explained that the land in question was within the general area of the green belt, but

had never been specifically examined until the emerging local plan determined that it ought not to be in the green belt. Furthermore, he stated that the development would not negatively impact any of the five stated purposes of green belt land stated within the NPPF. Finally, he stated that brownfield sites did not exist in numbers large enough to meet York's need for housing.

In response to questions from members, Mr Natkus stated:

- The applicants had been promoting the development of the land in question for at least 5 years.
- The applicants did not wait to submit the application under after the local plan was adopted because he believed it unlikely that it would be fully confirmed for at least two years.
- That he would be willing to discuss the creation of a Construction Environment Management Plan.
- That demand for affordable housing was 30% higher in York than the average, and there was also a high demand for smaller one or two bedroom properties, which necessitated the increased housing density.
- He could not comment on the specific amounts of services charge which might be imposed for public open spaces.
- That the houses were likely to be heated with gas.

[Break between 18:10 and 18:20]

In response to further questions from members, officers noted:

- That they had yet to receive notification from planning inspectors about the timeframe of the local plan, but that issues relating to the principle and boundaries of the green belt were due to be discussed.
- That they considered the housing density of the proposed to development to be acceptable and not vastly out of character with its surroundings.
- They felt that the special circumstances of the proposed application outweighed any potential harm it may cause.

During debate, it was moved by Cllr Waters, and seconded by Cllr Doughty to defer the application until the objections made against it could be resolved in discussion of the local plan. A vote was taken, with two members in favour and eleven against. The motion was defeated.

Following further debate, it was moved by Cllr Pavlovic and seconded by Cllr Melly to approve the application subject to the conditions set out below. A vote was taken, with nine members in favour, three against and one abstention.

After members voted, the Chair commented that he abstained because he would never vote for development on green belt land, which some other members considered to pre-determine him for future applications.

The motion carried and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions in the report with below amendments and completion of a Section 106 Agreement.
- ii. That amendments to conditions 11, 12 and 19 be made as outlined in the additional information, condition 9 be amended to remove referral to two storey extension, that the Traffic Regulation Order be amended to ensure that there is no right turn out of the site and that the landscaping condition be amended to ensure that landscaping in public areas be maintained for the lifetime of the development.
- iii. That the Section 106 Agreement and final wording of the conditions be delegated to the Head of Planning and Development Services and Chair and Vice Chair of the Planning Committee.

[Cllr Daubeney left the meeting at 19:05]

[Break between 19:05 and 19:10]

**50. Land South Of The Residence, Bishopthorpe Road, York
[21/01758/FULM]**

Members considered an application for the erection in Micklegate Ward of a single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping. The Head of Planning and Development Services gave a presentation on the application.

[Cllr Cuthbertson joined the meeting at 19:10]

In response to questions from members, officers stated that:

- That it was difficult to attempt to exactly match the brick colour of surrounding historical buildings, therefore it was thought safer to choose contrasting colours.
- The roads in the development will be primarily paved with tarmac.
- They did not consider access to the proposed development to be an issue, and that the Highways department had not raised any objections to the application.

Public Participation

Johnny Hayes spoke in objection to the application. He spoke on the historical significance of the site in question and stated that although he had initially supported the proposal, he now felt that the design was not of high quality and did not respect its historical surroundings. He felt that the site was too small for a development of this nature and urged members to discuss deferring the application until physical site visits could be begun again.

Mary Urmston spoke in objection to the application. She stated that although the proposal was lower in height than previous applications for this site had been, she believed its negative impact on the area would be great. Ms Urmston felt that Historic England had not been consulted until very late into the application process and that symmetry in the design should have been insisted upon, as with previous applications. She raised concerns about the amount of open space that the development would build on and stated that the site was too small for proposals. Finally, she felt the design was inappropriate and expressed the need for conditions around lighting.

Celia Smith stated that she was not speaking in objection to the application, but raising concerns about aspects of it. She felt that the application contained a number of flaws, raising concerns about a lack of amenities, its large footprint, and she felt it was not in keeping with the character of the local area. Ms Smith believed that the roadway would not be appropriate for the development and had concerns about drainage, flooding and noise pollution. She asked that if the application were approved that the advice from Historic England around landscaping and green space be adopted.

Keeley Mitchell spoke in support of the application support on behalf of The Disabilities Trust, the proposed occupier. She stated that residential care at The Retreat, which housed 40 vulnerable patients and employed 145 staff was closing, and they had been searching for alternative facilities for years. Ms Mitchell stated that if approval was not granted, the patients would have to be moved out of York and all staff would lose their jobs. She emphasised the need for a female-only ward in York with rising demand, and explained that patients were no threat to the public, but needed extensive support from health professionals.

In response to questions from members, Ms Mitchell stated that:

- There had been 36 patient rooms at The Retreat, while the proposed development had 40.
- While many residents were from York and surrounding areas, there was no formal catchment area they were drawn from. It was explained that patients brought in from other areas were funded by their original local authority.
- There were large communal spaces for residents, as well as specialist rooms for those at high risk, e.g. of suicide.
- The female-only ward was one of only a few in the UK.
- A built for purpose development better served the needs of residents and staff than a historic building such as The Retreat, especially in facilities such as the gym and sensory garden.
- The shift pattern operated was a day and night shift of 12 hours each, with fewer staff on duty at night than in the day. Some staff such as administrators, speech therapists and psychologists worked Monday to Friday, 9-5.
- Staff were encouraged to walk or cycle to work for their own health and wellbeing, and the proposed provision of parking spaces had been made clear to them.
- The frequency of visits to residents varied greatly, but they were organised to not overlap as much as possible. Video conferencing technology was also being encouraged as an alternative to in person visits.

Carys Swanick support spoke in support of the application on behalf of the Residence (York) Management Company Ltd. She stated that the proposed development would bring benefits to all residents, and she supported it in principle, but she raised concerns around the submitted plans, which she stated were inaccurate with regards to the number and position of trees on the site. Ms Swanick requested that members add an

informative note to the applicant requesting a collaborative approach to create a tree screen boundary for the site. She also requested reconsideration of the road surface, as she believed the planned black tarmac was not in keeping with the local surroundings. Ms Swanick also requested a condition on requiring a full noise survey report.

In response to questions from members, Ms Swanick stated that she recognised that cost was a factor in determining the road surface, but felt that preserving the character of the conservation area was more important.

Officers noted that the tree boundary mentioned by Ms Swanick was not related to the application, but was a previous issue related to the developer of The Residence and was not within the boundary of the land in question.

Joanna Gabrilatsou, Agent for the Applicant, spoke in support of the application. She stated that the site was ideal for this development, and this application was different to previously refused applications for the land which had been opposed by local groups, while this application was supported by the community. She further stated that the development was in keeping with the character of the area while incorporating everything it needed to serve residents. Ms Gabrilatsou also spoke on York's history in providing care for those with mental ill-health and stated that this development would continue that legacy. She believed that noise impact of the development would be minimal and stated that spaces for electric cars and bikes would be provided. Finally, she stated that the proposed development met the objectives of the NPPF and would protect jobs in the city.

She was joined by a number of colleagues to answer questions from members regarding the application, during which they stated that:

- The visual impact of the tarmac will be reduced as the car park will be full most of the time.
- Conversations around the boundary as mentioned by previous public speakers were ongoing, and the applicants were committed to resolving the issue.
- The roof was not fully sedum because some parts had to be accessed by maintenance staff.

- The design of the building was created with the needs of residents and staff in mind, but was not solely based on any 'NHS aesthetic'.

In response to further questions from members, officers noted that:

- The Retreat had 48 parking spaces, while the proposed development would have 47. A travel survey of staff showed that 96 travelled by car, which when the shift pattern was accounted for meant the car park was the correct size.
- It would not be reasonable for members to members to attach an informative note regarding the tree boundary since it was not within the bounds of the land for development.
- Historically the land was occupied by warehouses which were described as white industrial buildings typical of the 1970s.
- The Public Protection Officer not raised concerns about lighting around the development and the Ecology Officer had not raised concerns around the effect of lighting on local wildlife.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Pavlovic to approve the application subject to the below conditions. A vote was taken with thirteen members in favour. The motion was carried unanimously and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions set out in the report.
- ii. That condition 16 be amended to retain landscaping for the lifetime of the development and an additional condition be attached with regard to external lighting to ensure it is acceptable in terms of protected species and the conservation area.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.36 pm].

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Meeting	Planning Committee
Date	4 November 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Melly, Pavlovic (Vice-Chair), Warters, Waudby and Fitzpatrick (Substitute for Cllr Lomas)
Apologies	Councillors Lomas

51. **Declarations of Interest**

As a point of order the Vice Chair reported that he had received a number of complaints concerning the comments made by the Chair at the meeting held on 9 October 2021. The Vice Chair read out a statement outlining the concerns. The Chair advised that he had taken independent legal advice and noted that he had voted in favour of applications in the Green Belt on four occasions. He clarified what he meant to imply at the previous meeting and noted that he had abstained from the vote on the Dunnington planning application at that meeting. He noted that he had no history of predetermined Green Belt applications and in response to a question from the Vice Chair confirmed that the Monitoring Officer had given advice in which she confirmed that it was for the Chair to decide what his position is.

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Looked noted that as Lord Mayor she had opened the building site at the Gas Works and was presented with the gift of a trowel at the opening. Cllr Fitzpatrick noted that at residents' request she had called in an earlier application at the Gas Works site. The Chair declared a personal non pecuniary interest in agenda items 4a and 4b as a retired teacher and soon to be volunteer at Huntington School which would be a beneficiary of S106 funding.

52. **Minutes**

In response to a question from a Member, the Democracy Officer confirmed that the minutes of the meeting held on 7 October 2021 would be approved at the meeting on 2 December 2021.

Resolved: That the minutes of the meeting held on 2 September 2021 be approved and signed by the Chair as a correct record.

53. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

54. Appeals

**55. Site to the west of the A1237 and south of North Lane
Huntington York [18/00017/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the approach to be presented to the Planning Inspectorate as the Council's case at the public inquiry.

The application was for outline consent with full details of means of access. It proposed a residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road. It was submitted with the intention to align the determination of the Outline application with the adoption of the Local Plan.

The Head of Planning and Development Services noted a correction to paragraph 5.3 of the report. In response to questions from Members, Officers clarified that:

- They did not have the information regarding the potential for the middle part of the development to be used for
- The cycle access link was under the control of the applicant.
- The planning application was submitted in 2018 and there had been issues with the Local Plan and technical issues with highways.
- The applicant would be able to provide the information needed to show that policies HW2, HW3, HW4, HW7 and D3 had been met. It was a complicated application due to the number of complexities.
- The master plan was indicative of whether the overall housing densities were similar to that of estates in the immediate area. The density was considered to be acceptable.
- The applicant was proposing an area of self builds equivalent to 49 homes.
- At present highways were not seeking to provide LTN 1/20 for the link road.
- Presently there were no proposals for vehicular access from North Lane.
- Highways had asked for parking provision for public open spaces on the site.
- The council could secure a contribution for bus services but did not have agreement on this from the developers.
- The offsite contribution for Gypsy and Traveller pitches was consistent with other decisions that had been made. These were looked at on a case by case basis.
- There had not been any additional information regarding area 5 being designated as a play area. The detailed layout would be included as part of the reserved matters application.
- The country park was required to mitigate the impact on Strensall Common.
- The location of the western hedge line on the boundary was explained.
- Regarding questions around the provision of shops, there were highways issues unresolved which would be addressed at the public inquiry.
- A caveat for the provision of sufficient shops and amenities was not unreasonable and would continue to be requested.
- A request for health provision would be subject to discussions with the NHS and this had not been provided as part of the application at that stage.

Public Speakers

Geoff Beacon spoke in objection to the application on the climate aspects of the development in relation to the declaration of a climate emergency. He suggested alternative uses for the land on the site.

David Gregg (Chairman of Shepherd Group Brass Band) spoke on their use of one of Portakabin's buildings adjacent to the south west boundary for Brass Band rehearsals creating noise that may encroach on new residents. He requested that a further noise assessment be carried out on Tuesdays or Fridays when the band was at its loudest. He was asked and confirmed that he would be happy to work with officers on this.

Cllr Orrell, Ward Councillor for Huntington and New Earswick Ward, spoke on behalf of Councillors for the Ward. He noted that the principle for the development was made in 2018 and it was supported by the Huntington Neighbourhood Plan. He noted the objection to the exit on North Lane and asked for stringent conditions on lorry routes and for the protection of biodiversity.

Members were then given the opportunity to ask further questions to officers who were asked and advised that they were trying to resolve whether the changes to shared pedestrian and cycleway between the two new junctions on Monks Cross Link road would be updated in line with LTN 1/20.

It was moved by Cllr Looker and seconded by Cllr Barker that the Committee endorse the conclusions of the report as recommended by officers. Members agreed to include a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of amenities as detailed at paragraph 5.21 of the committee report. It was clarified by officers that the policy allowed developers to provide offsite provision for Traveller pitches. A vote was taken with 13 Members in support, one against and one abstention.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the conclusions of the report, with the addition of a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of

amenities as detailed at paragraph 5.21 of the committee report and that subject to the satisfactory resolution of the issues identified in 6.2 they will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

The proposed development was located within the general extent of the Green Belt; however the emerging Local Plan strategy set out that the land had been allocated for development as a strategic housing site to help meet the overall needs of the city. The 2018 Draft Plan and its evidence base regarding the proposed Green Belt boundaries and housing need were advanced and in the process of examination. York did not have a 5 year housing land supply and therefore the proposed housing was a benefit that carried significant weight in decision making. It was considered the lack of a 5 year housing land supply, along with the delivery of affordable housing and delivery of key infrastructure, would, subject to the satisfactory resolution of transport, highway and access issues, clearly outweigh the totality of identified harm and very special circumstances would exist in this case. Further, it was considered to be no case for refusing the scheme on prematurity grounds.

The impact of the proposed development on the wider highway network was yet to be fully determined, following initially proposed pedestrian and cycle links in and out of the site via Garth Road and Alpha Court, to the west and south being removed from application, the trip rates adjusted to take account of improved bus provision and walking and cycling rates, were not considered to be representative of the likely trip rates for the proposed development site. There was also a reliance on committed highway schemes (A1237 Ring Road/Strensall Junction 1, A1237/North Lane/Monks Cross Link Junction 2) to be delivered by City of York Council, however whilst these schemes were progressing, there remained a risk that the

junction improvements may not be delivered, or they may take longer than anticipated. The transport assessment had not assessed the impact of the proposed development on the existing A1237 junctions. As such, currently the proposed development did not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 17:51 to 18:00]

**55a Huntington South Moor, New Lane, Huntington, York
[21/00305/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the reasons for refusal that will be presented to the Planning Inspectorate as the Council's case at the public inquiry, the hearing opening on 11th January 2022.

The application was for outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane.

The Head of Planning and Development Services gave an update noting that two letters in support of the application had been received. In answer to a question from a Member she noted that there had been an up to date sustainability appraisal. Members asked a number of questions to which officers responded that:

- The site was considered to remain as a Green Belt site.
- There were technical and highways issues within the application that had not been resolved.
- The application decision date passed in July and the Applicant had appealed non determination.

Public Speakers

David Jobling (Vice Chair of Huntington Parish Council) spoke in objection to the application on behalf of the Parish Council. He explained the history and three core principles of the Huntington Neighbourhood Plan and selection of sites within it.

The noted the legal standing of the plan and the rejection of the site within it.

Gwen Swinburn spoke in support of the application with its access to local amenities, and cycling and walking access to the city. She noted the need to provide homes for new arrivals to the city and with reference to S106 expressed concern that there were no 4 or 5 bedroom houses in light of the need for homes for larger families of refugees. In response to Member questions she noted Lib Dem support for the 970 homes and that concerning the golf club being open to everyone, that it was an elite sport.

Cllr Orrell (Ward Councillor) spoke on the application on behalf of the Ward Councillors for Huntington and New Earswick. He noted that the site was in the Green Belt, was not included in the Local Plan for development and was not supported by the Huntington Neighbourhood Plan for development. He noted there had been a number of developments in recent years and that Huntington was a densely built area.

Cllr Hollyer moved the officer recommendation to endorse the reasons to contest the appeal. This was seconded by Cllr Ayre. During debate a number of views were expressed, during which the Chair clarified that the Neighbourhood Plan was part of the development plan for the area. A vote was taken with 8 Members in favour, 5 against and 2 abstentions.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.
- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

- i. The proposed development was located within the Green Belt. It would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a permanent detrimental impact on openness of the Green Belt due to its scale and location and would conflict with the Green Belt's purposes, as identified in NPPF paragraphs 137 and 138.
- ii. The site was not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The benefits put forward by the applicant did not, either individually or cumulatively, clearly outweigh the totality of the identified harm and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF.
- iii. The proposal was considered contrary to advice within the National Planning Policy Framework, in particular section 13 'Protecting Green Belt Land', and the following local policies: Huntington Neighbourhood Plan 2021, policy H14 'Green Belt'; the Publication Draft Local Plan 2018 spatial strategy as detailed in policies SS1, and SS2 and Green Belt policy GB1, and the 2005 Draft Local Plan policies SP2, SP3 and GB1.
- iv. The impact of the proposed development on the wider highway network, and highway safety was yet to be determined. The required level of mitigation in this respect was yet to be determined and agreed. As such the proposed development may not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 18:43 to 18:50]

56. Plans List

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant

policy considerations and setting out the views of consultees and officers.

56a Former Gas Works Heworth Green York [21/00854/REMM]

Members considered a Major Reserved Matters Application from Heworth Green Development for appearance and landscaping - Zone A only for 119 dwellings and a commercial/community use unit. Ltd at Former Gas Works Heworth Green York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed section plans and visualisations. She advised that there had been an updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- The community space was established during the outline stage of the application.
- The intention was for dark red/brown bricks as shown in the visualisation.
- The widths of the paths for use by pedestrians and cyclists were explained.

Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was a key part of bringing together the former gasworks following the 2020 planning consent. He added that if approved, building would commence as soon as possible and he noted the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. In answer to questions from Members, they explained that:

- There was a condition in the report detailing samples of building materials. The types of bricks to be used would be in line with the buildings in the area.
- The only area of tarmac was in the car park serving zone C.

- Regarding drainage there were attenuation tanks in zones A and C.
- The intention was the commercial/community space in zone A would be a pocket park.
- There was one access road that ran around zone B and it was anticipated that cyclists would enter via Heworth Green. There were links to the Sustrans routes.
- The level of detail regarding the sustainability of materials used for car parks had not been reached yet.

At this point in response to questions from Members, Officers advised that it would not be reasonable to put in a condition regarding the use of the commercial/community space in zone A as there were reserved matters yet to be determined.

Concerning the number of disabled car parking spaces, Officers were asked and noted that there was no specified percentage in the council policy for disabled spaces and car parking standards were included in the 2018 draft Local Plan. Referring to the proposed site plan, Officers demonstrated where the disabled parking spaces were located in zone A. It was noted that there had been no objections from highways officers regarding the number of disabled car parking spaces.

Members noted that when the application was approved at outline stage, there was no opportunity to state that the commercial/community space should be for community use. Officers detailed the outlined planning permission and demonstrated the 130m² for commercial/community use on the proposed floor plan. It was clarified that commercial use referred to retail/restaurant/café use.

Cllr Hollyer moved approval of the application. This was seconded by Cllr Daubeney. Following debate vote was taken with unanimous approval of the application. The motion carried and it was therefore:

Resolved: That the application be approved subject to the including an additional condition stating that the disabled car parking had to be policy compliant and the following amended/deleted conditions:

Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. The reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. The application detailed the design and appearance of the

buildings and the landscaping. The details accorded with the expectations established at outline stage and national policy within the NPPF and Publication Draft Local Plan 2018 policy regarding design and landscaping.

- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in the application related to the detailed design and landscaping. A condition was also included to give clarity regarding Travel Plan implementation, ongoing monitoring and, if necessary the additional measures to be engaged should the travel plan targets not be met.

56b Former Gas Works, Heworth Green, York [21/00855/REMM]

Members considered a major reserved matters application from Heworth Green Development Ltd for appearance and landscaping - Zone C only for 96 dwellings from at the Former Gas Works, Heworth Green, York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed site layout and elevation floor plans. She noted corrections to paragraphs 5.15 and 5.16 in the committee report and then detailed the updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- Regarding the temporary Sustrans connection, long term cyclists would use the road around the public open space, and as land was needed for the construction of zone B, a temporary connection was needed.
- Trees were protected for 5 years by a condition in the outline planning permission.
- The future maintenance of the dutch style paving would depend on the road adoption process.

Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was another key part of bringing the contaminated site forward as part of the 2018

planning permission. He noted that the new Sustrans link and phone mast had planning permission and that if approved, construction would commence as soon as possible. He listed the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. They were asked and explained that:

- The brickwork used would be conditioned. Additional elevation drawings had been provided which stated what bricks would be used.
- Additional disabled car parking spaces could be possible at the expense of the loss of trees. Regarding designated existing car parking spaces as disabled spaces, this would be to the detriment of other spaces due to the space needed for the parking spaces to be accessible.

At this point, a Member requested as a matter of urgency the development of a disabled car parking policy. Officers advised that additional spaces could be conditioned. Tim Ross was asked and explained that other Local Authorities often requested that 10% of car parking spaces be for disabled parking. He confirmed that zone A and C provided nine electric vehicle charging spaces with zone C providing passive provision for electric vehicle charging. He added that there would be ducting in place for this.

Officers then answered further questions to officers as follows:

- A further four disabled car parking spaces could be conditioned and this would be at a loss of other car parking spaces. The outline planning permission was noted and Members were informed that additional car parking spaces would be at the expense of soft landscaping. The Committee could ask for a car parking scheme (whilst complying with outline planning permission).

It was clarified that the first sentence paragraph 5.15 of the committee report should state that the outline planning permission stated that the number of car parking spaces for Zone C was at least 60 but allowed for a further 10 spaces across the site overall.

Cllr Warters moved deferral of the application. This was seconded by Cllr Melly. A vote was taken with 5 for and 9 against. The motion fell.

Cllr Ayre moved approval (delegated Chair and Vice Chair in consultation with officers) with amended/deleted conditions detailed in the committee update, and the addition of the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking. This was seconded by Cllr Pavlovic. A vote was taken with 14 for and one against.

It was therefore

Resolved: That the approval be delegated to the Chair and Vice Chair in consultation with officers, subject to:

- i. An additional condition on the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking.
- ii. The following amended/deleted conditions:

Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. This reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. This application detailed the design and appearance of the building and the landscaping. The details accorded with national policy within the NPPF, the National Design Guide and Publication Draft Local Plan 2018 policy regarding design and landscaping.
- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in this application related to the detailed design and landscaping.

Chair's Remarks

A Member requested a return to onsite site visits. It was confirmed that this was being investigated. A Member

welcomed the remote site visits via Zoom.

Cllr Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.16 pm].

space and a new convenience store by the access, created off Haxby Road. The application was later varied by 19/01509/FULM, which altered the accommodation mix, with 279 dwellings overall.

1.5 The west side of the site (the subject of this application) was previously subject to outline application 18/01011/OUTM approved in 2020, for 425 dwellings (118 houses / 307 apartments) and retail space, crèche, offices and community uses.

1.6 This application is made by Latimer Development, part of Clarion Housing Group, who have now acquired the entire Nestle South site and are implementing the consented conversion of the factory buildings.

Application site

1.7 The site previously contained the core of the original factory buildings, developed between 1890 and 1940. These buildings have now been demolished. The former site entrance from Wigginton Road, which crosses over Bootham Stray, remains. The Stray land is within the application site; it runs alongside Wigginton Road and accommodates hard-standing previously used for parking by Nestle and an access into the operational factory. On the west side of Wigginton Road opposite the site there are a row of 2 storey houses, allotments and a car park.

1.8 To the south of the site is the Sustrans pedestrian and cycle route which follows the route of a former railway line. There are trees to each side of the route. Further south 2 storey houses on Hambleton Terrace face the application site.

Proposals

1.9 The application is for 302 dwellings, 118 apartments and 184 houses. There will also be a crèche (124 sq m) within one of the two apartment blocks. The accommodation mix would be as follows -

1-bed	53
2-bed	103
3-bed	101
4-bed	45

Car parking spaces for residential 284 (94%)

1.10 All dwellings meet the optional national space standards. Through Section 106 legal agreement the scheme will deliver 20% affordable housing in accordance with local policy (H10). Clarion Housing Association Ltd is a registered affordable housing provider and the applicant's intention is to deliver 36% affordable housing on-site overall, with a mix of social rent and shared ownership tenure.

1.11 The Council has determined that the scheme is not EIA development. A screening opinion was undertaken under application 21/00952/EIASN.

2.0 POLICY CONTEXT

The NPPF

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied. Key sections of the NPPF are as follows -

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The Publication Draft Local Plan

2.2 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Its policies can be afforded weight in accordance with paragraph 48 of the NPPF. Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP2	Sustainable Development
DP3	Sustainable Communities
DP4	Approach to Development Management
SS15	Nestle South
H1	Housing Allocations
H2	Density of Residential Development
H3	Balancing the Housing Market
H4	Promoting Self and Custom House Building
H5	Gypsies and Travellers
H10	Affordable Housing
HW2	New Community Facilities
HW4	Childcare Provision
HW7	Healthy Places
D1	Placemaking
D2	Landscape and Setting
D4	Conservation Areas

GI6	New Open Space Provision
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
DM1	Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development - Architect

3.1 Officer comment on the masterplan was as follows -

- There is a lack of soft landscape between this site and the car parking to the east.
- There is a high amount on on-street or adjacent street car parking. The presence of parked cars will have an adverse effect on visual amenity.
- Alleyways would preferably be 2m wide with boundary walls each side (they are 1.5m wide with boundary fencing).
- Apartments - both apartment buildings are six storey, taller than ideal proportions for buildings around the Neighbourhood Square and this will impact negatively on the quality of this important open space.
- Details – planning condition recommended to ensure adequate architectural detailing and scheme quality.

Design Conservation and Sustainable Development - Landscape

3.2 A significant number of existing trees would be removed to create the link to the Sustrans route, including two category 'B2' groups of mixed deciduous trees and a category 'A1' mature Birch. The link to the Sustrans route is supported, however the loss of trees should be adequately mitigated.

3.3 The inclusion of small pocket parks were recommended at the end of certain streets to complete the distribution of open space over the site, facilitate mature trees and so areas feel part of the site rather than dead ends before the car park at the site to the east. As recommended these have been included on the east side of the site.

Design Conservation and Sustainable Development - Ecology

3.4 Bats - bat roost potential within trees to be felled - from the information provided no trees with bat roost potential will be significantly impacted during the required felling works. No further survey works is therefore required.

3.5 Recommend a condition to secure ecological enhancements, with ongoing management and to evidence biodiversity net gain.

Education

3.6 Officers have requested a combined partial contribution towards primary and secondary places and a full contribution towards early years education provision as set out in the table below.

	No. of places	Contribution	Facilities
Primary	21	£398,496	Yearsley Grove, Haxby Road and/or Burton Green
Secondary	21	£548,646	Joseph Rowntree
Early years	31	£588,256	Within 1.5km of site

Highway Network Management

3.7 Officers have commented as follows –

- **Transport Assessment** - The impact on the wider network is not expected to exceed the levels previously accepted under application 18/01011/OUTM.
- **Access off Wigginton Road** – The access design is required to cater adequately for pedestrians and cyclists crossing the access road and entering the site. The detail design can be conditioned to reflect LTN1/20 guidance. The ‘entry strip’ (where there would be a raised table in the road) looks inadequate to slow traffic. It is asked the detail is agreed through condition.
- **Alignment of bus route through the site** – the design is for a one-way bus route east to west. Highway Network Management preference is for a bus route, in future to possibly travel both ways through the site.
- **Travel Plan** - A revised travel plan will need to be conditioned for approval once occupation starts. Surveys should be every year for 5 years. A budget commitment to implement the travel plan and deliver incentives is required, either embedded in the Travel Plan or agreed as S106 contribution for the local authority to deliver the travel plan measures and activities on behalf of the developer. A budget or commitment is also required to implement extra measures if targets are not met.

- **Sustainable travel** - S106 contributions towards sustainable travel will be required - £400 per dwelling for bus/cycle incentives and between £100 and £200 per dwelling for Car club. There should also be car club parking space on site.
- **Adoption** – officers have confirmed that any parking within the highway cannot be private (i.e. spaces can't be individually allocated). A TRO (Traffic Regulation Order) contribution for the site of £30k is requested. This would cover the works in Wigginton Road and res-park / parking control within the site.
- **Cycle stores** – should be LTN 1/20 compliant i.e. 1 cycle space per bedroom.

Public Protection

3.8 Officers commented as follows –

- Land contamination - The site investigation recommends a 600mm thick clean capping layer in gardens / landscaped areas and gas protection measures installed in the buildings. Conditions recommended for a remediation strategy and validation of such.
- Noise – previous noise assessments were undertaken in 2016. A new assessment is recommended in case different plant / equipment has since been installed at the factory to the north. A condition is recommended to ensure adequate noise levels within the proposed dwellings. A condition is also recommended to require that any plant/machinery at the crèche does not cause disturbance to nearby dwellings.
- Construction management – condition recommended to deal with noise/dust/vibration and to control times of construction.
- Air quality - impacts associated with the scheme considered as 'negligible' when assessed in line with relevant guidance. Emission damage costs associated with the development adequately addressed by measures proposed for the scheme. In respect of electric vehicle charging points there should be sufficient capacity within the electricity distribution board for EV charging at each dwelling with in-curtilage parking. For other spaces there should be 5% active and 5% passive provision. The facilities are required to allow mode 3 / 32A charging.

EXTERNAL

Conservation Areas Advisory Panel

3.9 No objection.

Guildhall Planning Panel

3.10 Consider this scheme an improvement over previous applications. Still concerned about the distribution of the parking spaces (lack of spaces for apartments) and level of traffic this development will generate.

Police Architectural Liaison Officer

3.11 No objection. The principles of crime prevention through environmental design have been taken into consideration.

York Civic Trust

3.12 The trust have commented on the amount of car parking, bus services and the amount and type of development proposed.

3.13 Object to this application in its current form and recommend that planning permission be refused unless the number of car parking spaces is reduced to an absolute maximum of 150 spaces, and a reserved route is protected through the site for buses to operate in both directions. The number of spaces is excessive and incompatible with the Council's target of carbon neutral by 2030. More use of car club should be facilitated.

3.14 The trust understand the Council has aspirations to improve bus access to the hospital and route either the #1 or #5 services through the site. Disappointed the scheme only accommodates a westbound bus route. A one way bus link would be counterproductive, and lead to a loss of patronage. Concerned that the applicants do not appear to appreciate that a bus service within the site will be of benefit to residents.

3.15 The housing mix offers good credentials for the creation of a diverse and dynamic community. The scale and density of the proposal is suited to York and in particular this site. Pleasing too is the location of the road ("Main Street") into the site from Wigginton Road that offers views of the 1930s Cream Block of the former Rowntree's factory. The emphasis on green space is welcomed. However recommend a closer focus on the tangible or intangible historic associations of the site, as well as the architectural prominence evident in the neighbouring Nestle Rowntree Conservation Area, so as to raise Coca West's overall design and identity-making ambitions. Larger public spaces also recommended.

Theatres Trust

3.16 Do not envisage any significant disruption due to construction. No objection to the principle of redevelopment. The theatre is a Grade II listed heritage asset run as a charitable trust by the community and provides a facility from which local people including future residents of the new development would benefit. As a venue with

clear proximity and historic link to the development site, consider there would be great merit in seeking Section 106 receipts to help fund the theatre's plans and current works.

Yorkshire Water

3.17 The submitted 'Flood Risk Statement & Drainage Strategy' prepared by Civic Engineers, dated June 2021 is acceptable. In summary, the report states that surface water is proposed to discharge to the 375 mm diameter public surface water sewer located to the north east of the site at a maximum rate of 16 (sixteen) litres per second. Foul water is to discharge to the public sewer network within Haxby Road.

4.0 REPRESENTATIONS

4.1 There have been three objectors to the scheme. Issues raised are as follows -

- The number of proposed houses/apartments
- The height of the apartments and some of the houses
- The lack of car parking space
- Increase in volume of traffic on already congested roads
- Tree removal to enable an entrance to the cycle path. This is seriously going to affect the environment of the area and will spoil the outlook from Hambleton Terrace. (In tree survey these are within group 801. The trees are up to 16m high and are given a B2 amenity value).

5.0 APPRAISAL

5.1 The key issues are as follows –

- Principle of the proposed use
- Design
- Impact on the Nestle Rowntree Conservation Area
- Highway network management and safety
- Ecology / Green Infrastructure
- Public Protection
- Residential amenity
- Sustainable design and construction
- Drainage / Flood Risk
- Education
- Open Space

Assessment

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.2 The site is previously developed; on the brownfield land register and allocated for housing in the Publication Draft Local Plan 2018 (2018 eLP). Residential led development of the site is consistent with NPPF policy, in particular sections 5 which relate to housing supply and section 11 which relates to making effective use of land. The latter section advises that in decision-making, give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

5.3 Section 3 of the 2018 eLP details the spatial strategy for York and the key areas of change. Allocated housing sites over 5 ha in area each have their own policy. The Nestle South site is allocated for housing in policy SS15. The key principles for redevelopment of the site in SS15 are listed below and are discussed throughout this section of the report.

- i. Achieve high quality urban design which recognises the distinctive character of this part of the city and respects the character and fabric of the factory buildings of distinction including those on the Haxby Road Frontage including the library.
- ii. Conserve and enhance the special character and/or appearance of the Nestle/Rowntree Factory Conservation Area.
- iii. Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment.
- iv. Maximise accessibility and connectivity to the city centre and local area by pedestrian and cycle routes, including direct access from the site to the Foss Island Cycle Path located alongside the site boundary.
- v. Retain the mature trees along Haxby Road frontage and protect the setting of the site.
- vi. Maximise connectivity and linkages to surrounding green infrastructure including Bootham Stray.
- vii. Appropriate access from both Haxby Road and Wigginton Road along with associated junction improvements as necessary through Transport Assessment and Travel Plan. Access between Haxby Road and Wigginton Road will be limited to public transport and walking/cycling links only.

5.4 Policy SS15 of the 2018 eLP relates to the Nestle South site. The application site is phase 2 of this allocation. The allocation is for up to 600 dwellings. The policy states that in addition to complying with the policies within the Local Plan, the site must be master planned and delivered in accordance with identified (above) key principles.

5.5 The mix of housing proposed is acceptable as is the number of dwellings proposed, which is less than the 2018 eLP site allocation. The accommodation amount and type derives from the need to reasonably respect the scale of houses to the south and west (whilst considering the former industrial scale of development on

site) and enables a scheme that is some 60% housing and 40% apartments. The accommodation type is generally compliant with local housing need and provides a broad range of house types. Some 67% of the dwellings are 2 bed and 3 bed.

Overall housing mix is as follows -

	Total	Percent
1-bed	53	18%
2-bed	103	33%
3-bed	101	34%
4-bed	45	15%

5.6 Also proposed is a crèche. This would be some 124 sq m in floorspace. The facility would be of a scale to primarily provide for the proposed housing and will make a positive contribution to the overall mix of uses at Nestle South. The provision would not detract from the vitality and viability of the city centre, due to its scale, and would contribute towards providing community needs and promoting social interaction, in accordance with paragraphs 92 and 93 of the NPPF, in respect of enhancing the sustainability of communities and residential environments.

Design

5.7 NPPF paragraph 130 establishes national design standards, regarding attractive, locally distinctive places that function well and address residential amenity and crime and disorder. These topics are expanded upon in the National Design Guide.

5.8 Of the 2018 eLP principles relevant to redevelopment of this site are set out in paragraph 5.3 (above). Policy D1: Place-making expands upon the NPPG design principles and applies these to the York context.

5.9 Policy D1 establishes the following requirements for proposals -

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.
- Ensure proposals are not a pale imitation of past architectural styles.
- Demonstrate the use of best practice in contemporary urban design and place making.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.
- Create active frontages to public streets, spaces and waterways.
- Create buildings and spaces that are fit for purpose but are also adaptable to respond to change.
- Create places that feel true to their intended purpose.

Assessment

Scale and massing

5.10 The 2018 eLP aspirations for the site encouraged re-development of a high-quality design which recognises the distinctive character of the factory buildings. In this respect the previous outline consent permitted buildings ranging in height between 5 and 6 storey behind / to the west of, the retained buildings and along the north side of the site. This scheme has fewer tall buildings. Two apartment blocks are proposed, one to the west of the factory buildings, and one to the north of the site. These buildings will have strong presence and create a sense of arrival into the site, from the new access road (which has permission and is part implemented) off Haxby Road. The buildings will also bring a sense of enclosure and in this respect calm traffic and, in combination with the public realm design, give the impression of a residential neighbourhood.

5.11 The apartment buildings will be 6-storey, just lower than, and smaller in volume, compared to the main factory building. The building height behind the factory is the same storey height to the scheme previously approved. The buildings would complement, and not detract from the status of the main buildings, and their dominant presence in the Nestle / Rowntree factory conservation area and in local views.

5.12 Elsewhere the buildings are domestic in scale and will range from 3.5 storey down to 2-storey. This is an acceptable scale in that it facilitates 2 and 3 bed-sized homes, which are well-suited to meeting local housing need.

Layout

5.13 Access points for the site use the existing junction position with Wigginton Road. The layout will accommodate a right-turn into the site and priority for cyclists using the cycle path. The geometry of the junction is unchanged from previous approvals. There is a legal/contractual requirement for continued vehicle access into the south-west of the Nestle site. On the east side the access connects into the previously approved new access from Haxby Road.

5.14 In accordance with aspirations for the site, as set out in the 2018 eLP, the scheme will accommodate more direct routes for pedestrians and cyclists. There are new connections proposed into the Sustrans route to the south and south-west. Also priority for cyclists will be introduced at the Wigginton Road junction. On the east side of the site connections are made into the factory conversion site, so future residents of that building will have a direct link through the site towards Wigginton Road and the Sustrans route.

5.15 The layout accords with best practice in the national design guide on the following grounds –

- The scheme is integrated into and enhances its context by restoring the stray land to the west of the site to amenity space, with public access and play features introduced.
- Good connectivity by adding to the Sustrans route (as explained above).
- Two of the east – west routes through the site will retain vistas of the retained factory building, thus acknowledging local character and giving identity to the site.
- Buildings orientated to overlook open space and landscaping where possible.
- Active frontages overlooking public open space. Rear gardens back onto each other and private / semi-private areas
- Secure by Design incorporated (the Police Architectural Liaison Officer has provided input on the layout and proposed boundary treatments).

5.16 The apartment buildings, which are 6-storey, are grouped around public open space. The space will not be overshadowed as the apartments are to the north and east sides of the space; there is openness to the south. The south block, immediately adjacent the open space accommodates the crèche. The active frontage of the commercial premises would be complimentary and conjunctive with the open space.

Public realm and open space

5.17 The site has two central open spaces. There is a predominantly hard surfaced space by the apartments, which will complement the crèche facility and a second space, surrounded by housing. The latter will be a greener soft-landscaped area. Both spaces have trees where feasible, being restricted by requirements for underground drainage storage requirements. In addition to these spaces the scheme includes restoration of the stray land on the west side of the site. This is an overgrown former car park area which will be soft landscaped. It will include pedestrian cycle links and children's play areas. On the east side of the site two pocket parks have been introduced into the scheme (as recommended by the Council's Landscape Architect). These will provide visual relief and amenity and have been provided at points where there would otherwise be views of the neighbouring car park.

Car parking

5.18 A number of revisions have been made to better assimilate cars into the scheme and reduce their visual impact/dominance. The scheme is now acceptable to officers in this respect. The public realm would not visually be dominated by parked cars, and nor would the presence of vehicles deter, or pose a risk to highway safety or to facilitating and encouraging sustainable travel.

5.19 The car parking allocation for the site is around 90% which is accommodated in a mix of spaces; car parking courts and driveways and on-street. The on-street car parking is generally on the south side of the site. To avoid car parking being over-dominant, the approach has been to screen the larger car parking courts, with

landscaping by the entrances and have intervening trees and small areas of soft landscaping between driveways. The prominence of smaller groups of parking towards the east and west edges of the site would be mitigated by adjacent trees and soft landscaping. On the south side of the site the parking spaces are spread out reasonably and surfacing is such that the streets are all surfaced in block paving and level/at grade. This will make for an attractive public realm when the cars are vacant.

Vernacular

5.20 The development comprises of the two apartment blocks, which would be located closest to the former factory to the east and the existing Nestle facilities to the north and two and three storey housing. The housing would be visually contained within the site. The apartment buildings would be 6-storey, just lower than the retained factory building which is within the conservation area and in the process of conversion. In material and details the proposed buildings relate to the, repetitive and brick vernacular of the former factory building.

5.21 The apartment buildings are setback from Haxby Road and will only form a backdrop to the main former factory building. The buildings respect their setting and there would be no harm to the character and appearance of the conservation area.

5.22 The house types are a mix of 2 and 3 storey; with pitched roofs. They will be in a mix of red and buff toned brick. There is a coherence to the house types, and they will give the scheme, which is reasonably contained by surrounding large scale development to the east and north, and landscape to the west and south, a distinctive character, in accordance with national design guidance.

5.23 The 'southern mews' houses are tightly grouped together. The design & access statement addendum explains how these house types have been designed to avoid overlooking of neighbours and to maximise outlook over their own private amenity space.

Character and appearance of the conservation area

5.24 The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. The site is outside of the Nestle / Rowntree Factory Conservation Area, which is located to the east. On the west side of Haxby Road the conservation area boundary stops at the west edge of the Cream Block and the Almond Block Extension (being converted into residential). The conservation area explains these are large, the most prominent and very distinctive buildings confirming the industrial nature of the area.

5.25 The dominance of the retained former factory buildings on site, their Haxby Road setting, and how they are perceived in local views would not be challenged or harmed

by the proposed buildings, as explained in the design section. There would be no harm to the character and appearance of the conservation area. Also the setting of no listed buildings would be affected.

Highway Network Management

5.26 The NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.27 It also states “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. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Sustainable travel

5.28 Measures to encourage sustainable travel are embedded in the design. The layout provides efficient connectivity for pedestrians and cyclists, in particular the new legible connections into the Sustrans route and priority for cyclists at the Wigginton Road entrance. There will be a Travel Plan to encourage non-car modes of travel. The travel plan will establish targets over a 5-year period following full occupation. There will be ongoing review and appropriate measures imposed if targets are not met. The travel plan will be secured through condition, with measures to encourage

cycling and use of buses secured through legal agreement. The target within the travel plan will be to reduce single occupancy car trips by 12%. The layout enables a bus route through. The principles for redevelopment of the site in policy SS15 only requires that “access between Haxby Road and Wigginton Road will be limited to public transport and walking/cycling links only”. It does not explicitly require provision of a two-way bus route.

5.29 The travel plan issued is silent on the use of car club. This should be promoted as an alternative to private car ownership. Incentives to encourage use / membership will be secured through S106 agreement. A condition will require inclusion of car club parking space within the Nestle South site (subject to operator agreement). There is an existing space at Yearsley Swimming Pool but a space on site would be reasonable and should be viable given the amount of development proposed.

5.30 Each of the houses will have covered and secure storage for two cycles at the outset, as required under the 2005 DLP (which requires 2 spaces for 3-bed or larger dwellings). The houses all have private gardens with access so future provision could be accommodated. The apartments have just over 1 space per dwelling. The north apartment block contains 58 dwellings and has 62 spaces (6 outside) and the south apartments 48 dwellings and 50 spaces.

Impact on wider network

5.31 The highway network can accommodate the proposed development without further mitigation. Apart from the car parking to the southern apartment block (which has some 15 spaces) cars will access the site via Wigginton Road. Modelling which has been undertaken takes into account a future base rate (2026) and applies other anticipated development schemes. The increase on the traffic network, and local junctions is shown as less than 5%, which is deemed acceptable, without mitigation in traffic engineering terms. The previously approved and now proposed scheme have also been compared. The current scheme, in terms of trip generation, is significantly less at peak times.

Car parking

5.32 The Civic Trust recommended the amount of car parking be reduced, from 94% to 50% provision. The amount of car parking the developer proposes is not unacceptable taking into account the NPPF. NPPF advice in paragraph 108 is that “maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport”.

Ecology / Green Infrastructure

5.33 The connection into the Sustrans route at the south side of the site is considered essential in terms of place-making and promoting sustainable travel. It is a requirement of the 2018 eLP allocation. The connection proposed results in the loss of two category A trees and a group of category B trees where the ramp into the site proposed. The location has been chosen as this is the point where the variation in ground levels between the Sustrans route and the site is at its least. Trees line the extent of the embankment which bounds the site, so an alternative location would also require tree removal.

5.34 The scheme will open up a section of the embankment, for some 20 m in length. The embankment would receive a native wildflower mix and tree planting. However it is preferable this new connection is legible in the landscape and benefits from natural surveillance. There is also a vista created into the central green space within the site. The desire to create this connection, and as the applications have illustrated a net gain in biodiversity, including soft landscaping and tree planting, justifies the tree removal.

5.35 Developments should provide net gains for biodiversity. This is established in NPPF paragraph 174. Biodiversity net gain has been illustrated using the Defra Biodiversity Metric 3.0, comparing the pre and post development onsite habitat units. An estimated 2.1% total net increase in biodiversity units has been identified. This has been calculated taking into account tree removal and the biodiversity of the existing site and the habitat creation proposed including urban trees, introduced scrub, sustainable drainage features, other neutral grassland and native species rich hedgerows.

Public Protection

5.36 Noise – previous schemes for the site have been approved subject to condition in respect of noise. An updated noise survey and approval of suitable mitigation can be secured through condition. The submitted assessment advises double glazed windows would achieve the required noise levels within dwellings. However the recommendations are based on survey results from 2017 and plant / machinery at the Nestle site may have varied since.

5.37 Contamination – site investigation has been undertaken. A planning condition can require an informed remediation strategy and confirmation of implementation.

5.38 Air Quality / EV charging – the NPPF paragraph 186 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. As considered by public protection officers (summarised

in section 3) the impact on air quality as a consequence of the scheme would be negligible. In accordance with the local low emission strategy electric vehicle charging facilities on site would be required through condition. It has been illustrated also that, in terms of green infrastructure, there will be a gain in biodiversity overall.

Residential amenity

5.39 It is a core principle within the National Planning Policy Framework that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The NPPF states decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

5.40 The proposed development would not have an adverse effect in terms of being overbearing or over dominant or causing any loss of light. The proposed houses are a considerable distance from neighbouring housing; the houses to the south of the site are over 40m from Hambleton Terrace, those on the west side of the site over 30m from the site boundary. The apartment blocks are on the north east of the site, further away from neighbouring houses compared to the factory block to the east.

5.41 The proposed dwellings all comply with the optional national space standards. The dwellings have reasonable outlook and will not overlook each other. The apartment layout maximises opportunities for dual aspect apartments where practical.

Sustainable design and construction

5.42 The scheme will have all electric systems, in accordance with emerging national policy on energy generation. It will use heat pumps and photovoltaic panels also. The scheme will achieve the current local requirement (2018 eLP policy CC1), to achieve a 28% betterment over 2013 Building Regulations.

Drainage / Flood Risk

5.43 2018 eLP policy ENV5 on sustainable drainage states that surface water flows from Brownfield sites should, where practicable, be restricted to 70% of the existing runoff rate. A surface water rate for the site has been agreed previously. An agreed rate did take into consideration that although the site is now cleared, it historically contained buildings covering most of the site. The run-off rate agreed previously is maintained in this scheme, which, along with the overall drainage strategy is agreed to by Yorkshire Water. The site is outside Flood Zones 2 and 3 and in this respect appropriate for housing.

Education

5.44 NPPF paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Local draft supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.45 Officers have informed of the need for education places anticipated as a consequence of this scheme (paragraph 3.6). The provision would be secured through Section 106 agreement.

Open Space

5.46 Section 8 of the NPPF establishes that planning decisions should aim to achieve healthy, inclusive and safe places and the importance for access to a network of high quality open spaces and opportunities for sport and physical activity. Local policies should identify the need for open space, sport and recreation and opportunities for new provision.

5.47 The local policies for provision of amenity and sports space are established in section 6 of the 2018 eLP – Health and Well-being.

5.48 Policy HW 3 states developments that place additional demands on existing built sport facilities will be required to provide proportionate new or expanded facilities, to meet the needs of future occupiers. Developer contributions will be sought to provide these additional facilities. Policy GI 6 New Open Space Provision advises that all residential development should contribute to the provision of open space for recreation and amenity. Provision should be informed by existing provision in the area and local open space standards.

5.49 With the inclusion of the stray land the site would accommodate adequate open space / amenity space to meet the needs of future occupants, based on the proposed housing mix and local supplementary planning guidance (SPG) on open space. The space includes play facilities for children, semi-natural amenity space and space for recreation. The associated legal agreement will secure future maintenance of the on-site open space.

5.50 A contribution is proposed towards off site sports and this has also been calculated at £158,046 using local supplementary guidance. The contribution would be secured through a Section 106 obligation and would go towards facilities in the local area. Officers have identified previously a number of clubs/facilities within 1.2 miles of the site where contributions could be used and these are based at New

Earswick, Heworth, York City Knights and York Community and Gymnastics Foundation.

6.0 CONCLUSION

6.1 In applying the NPPF substantial weight is applied in favour of housing delivery at this site. The land is previously developed, on the Brownfield Land Register, in a sustainable urban location and has been allocated for housing in the eLP. The dwellings proposed would be in accordance with local need. The scheme includes 60% housing 40% apartments, predominantly family sized (2 and 3 bed) with provision of 1 bed dwellings, that in particular meet local affordable need. The affordable housing proposed would be policy compliant (in amount, size and type). Additionally the developer's intention is to exceed policy requirements, in co-operation with Homes England, providing a further 44 shared-ownership homes (a type of affordable housing as defined in the NPPF). The scheme will provide public open space, improving the existing stray land and provide new connections within the Sustrans route. No harm to the conservation area has been identified and the scheme will comply with sustainable design policy in respect on building efficiency and performance.

6.21 The Council cannot currently demonstrate an NPPF compliant five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the NPPF. There are also no policies in the NPPF that protect assets of particular importance which provide a clear reason for refusing the development in this instance. Therefore paragraph 11(d) of the NPPF tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies set out in the NPPF as a whole.

6.22 The benefits of the scheme outweigh some of the issues raised through consultation; the NPPF test is that refusal is only justified if the adverse impacts on the scheme, when assessed against the NPPF, would significantly and demonstrably outweigh the benefits. This is evidentially not the case.

6.23 The recommendation is to approve the application, subject to the recommended conditions and a Section 106 Agreement to secure the following planning obligations

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- Affordable housing (policy compliance - 20% and tenure mix)
- Off-site sports - £158,046 to be used at either of the following facilities - Heworth Cricket club, Heworth Rugby club, New Earswick sports club, New Earswick & District Indoor Bowls club, York community and gymnastics foundation, York City

Knights).

- On-site open space (including stray land) – on-going maintenance regime and provision of free public access
- Education
 - Primary & Secondary - £947,142
 - Early Years - £588,256
- Sustainable travel - first occupants offered £200 towards both bus pass and cycle/cycle equipment.
- Car Club - first occupants offered £200 towards car club membership.
- Traffic Regulation Order up to £30k (to cover Wigginton Road access, internal layout and potential res-parking arrangements on-site).
- Section 106 monitoring fee - £31,740.20

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

DN0092-JTP-ZZ-ZZ-DR-A-0000	Masterplan revision P4
DN0092-JTP-ZZ-ZZ-DR-A-0001	Site Location Plan P1
DN0092-JTP-ZZ-ZZ-DR-A-0002	Existing Site Plan P1
DN0092-JTP-ZZ-ZZ-DR-A-0003	Site Sections P1
DN0092-JTP-ZZ-ZZ-DR-A-0004	Site Sections P1
DN0092-JTP-ZZ-ZZ-DR-A-0100	Bin Store Plans Sections Elevations P02
DN0092-JTP-ZZ-ZZ-DR-A-0200	Housetype 2A Plans Sections Elevations P01
DN0092-JTP-ZZ-ZZ-DR-A-0210	Housetype 2B Plans Sections Elevations P01
DN0092-JTP-ZZ-ZZ-DR-A-0220	Housetype 3A Plans Sections Elevations P01
DN0092-JTP-ZZ-ZZ-DR-A-0230	Housetype 3B Plans Sections Elevations P01
DN0092-JTP-ZZ-ZZ-DR-A-0240	Housetype 3C Plans Sections Elevations P02
DN0092-JTP-ZZ-ZZ-DR-A-0250	Housetype 3D Plans Sections Elevations P01
DN0092-JTP-ZZ-ZZ-DR-A-0260	Housetype 4A Plans Sections Elevations P02
DN0092-JTP-ZZ-ZZ-DR-A-0270	Housetype 4B Plans Sections Elevations P02
DN0092-JTP-ZZ-ZZ-DR-A-0280	Cottage Flats 1C Plans Sections Elevations P01

DN0092-JTP-NB-ZZ-DR-A-0600	North Block Apartment - Plans	P01
DN0092-JTP-NB-ZZ-DR-A-0601	North Block Apartment - Plans	P03
DN0092-JTP-NB-ZZ-DR-A-0602	North Block Apartment - Plans	P03
DN0092-JTP-SB-ZZ-DR-A-0600	South Block Apartment - Plans	P01
DN0092-JTP-SB-ZZ-DR-A-0601	South Block Apartment - Plans	P02
DN0092-JTP-SB-ZZ-DR-A-0602	South Block Apartment - Plans	P02
DN0092-JTP-NB-ZZ-DR-A-0700	North Block Apartment - Elevations	P01
DN0092-JTP-NB-ZZ-DR-A-0701	North Block Apartment - Elevations	P03
DN0092-JTP-NB-ZZ-DR-A-0702	North Block Apartment - Elevations	P03
DN0092-JTP-SB-ZZ-DR-A-0700	South Block Apartment - Elevations	P01
DN0092-JTP-SB-ZZ-DR-A-0701	South Block Apartment - Elevations	P02
DN0092-JTP-SB-ZZ-DR-A-0702	South Block Apartment - Elevations	P02

Landscape Drawings

201572_L097	General Arrangement revision 3
201572_L098	Boundaries revision 3
201572_L100	Landscape Masterplan revision A
201572_L101	Tree Removal Plan -5
201572_L102	Boundaries Plan 1 of 4 - 5
201572_L103	Boundaries Plan 2 of 4 - 5
201572_L104	Boundaries Plan 3 of 4 - 4
201572_L105	Boundaries Plan 4 of 4 - 4
201572_L200	General Arrangement Plan 1 of 4 - 5
201572_L201	General Arrangement Plan 2 of 4 - 5
201572_L202	General Arrangement Plan 3 of 4 - 4
201572_L203	General Arrangement Plan 4 of 4 - 4
201572_L204	Legend Sheet - 4

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

3 Construction Management

Prior to commencement of development, or phase of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the relevant construction period.

The plan shall include: -

- Details of measures to keep the highway clean - to include wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.

- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk
- Dilapidation survey - Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

4 Restricted hours of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays. Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent residents.

5 Tree Protection

At all times during construction Trees shall be protected in accordance with BS:5837 and the measures as shown on the Barnes Associates drawings BA10564TPP B (north and south). Any protection measures to be removed in advance of the completion of construction shall first be approved in writing by the Local Planning Authority.

Reason: In order to protect trees of high amenity value, in accordance with sections 8, 12, 15 of the NPPF.

6 Archaeology

No archaeological evaluation or groundworks in the relevant area shall take place until a written scheme of investigation (WSI) for the stray land on the south-west side of the site has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

Reason: In accordance with Section 12 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

7 Invasive / non-invasive species

No works shall commence on-site (apart from demolition) until an invasive non-native species protocol has been submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Cotoneaster on site. The measures shall be carried out strictly in accordance with the approved protocol.

Reason: To ensure that an adequate means of eradicating or containing the spread of an invasive non-native species is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

8 Landscape and Ecological (or Biodiversity) Management Plan

No works shall commence on-site (apart from demolition) until a Landscape and

Ecological (or Biodiversity) Management Plan (LEMP) has been submitted to, approved in writing by, the local planning authority.

The content of the LEMP shall evidence a net gain in biodiversity and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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 (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

9 Vegetation removal

Works which include tree works and vegetation clearance shall commence in accordance with the precautionary working methods set-out in section 8.0 of the Preliminary Ecological Appraisal provided by Wold Ecology Ltd (February 2021).

Reason: To limit harm, injury and disturbance to protected and notable species that may occur site. And to ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

10 LC2 Land contamination - remediation scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme

shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

11 LC3 Land contamination - remedial works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

12 Drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

13 Drainage strategy

The development shall be carried out in accordance with the details indicated within the submitted report, Flood Risk Statement & Drainage Strategy by Civic Engineers, job title 1747-01 - Cocoa West, York dated June 2021 (on page 1).

Reason: In the interest of satisfactory and sustainable drainage, in accordance with NPPF section 15.

14 Drainage infrastructure

Prior to construction works in the relevant area(s) of the site, or phase of development, measures to protect the public water supply infrastructure (within the site, or phase boundary) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

The details shall include, but not be exclusive to, the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public water supply in accordance with NPPF section 15 (Yorkshire Water requirement).

15 Phasing and delivery of POS and Sustrans connections

Prior to first occupation of the development hereby permitted a scheme detailing the phasing for the full completion of areas of public open space, including Bootham Stray and informal play areas, fitness equipment, all the Sustrans connections, the public realm and areas to be adopted highway (the details of such are required under conditions 16 and 17) shall be submitted to and approved in writing by the Local Planning Authority.

The phasing scheme shall demonstrate how the public open space / Sustrans connections / public realm shall be fully provided in relation to completion of any phases of dwellings on site. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the required infrastructure is provided at a time which meets the needs of future users and occupiers of the site, in accordance with section 2 of the NPPF.

16 Public realm design

Prior to the relevant works the detailed design of the public realm, including areas to be adopted highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the phasing details approved under condition 15.

The details shall include typical details for each character area and areas where raised tables are proposed within the street. Details shall confirm finishing materials, typical sections, ground levels and details of the interface between varying surfaces and materials.

Reason: In the interests of good design, highway safety and to encourage sustainable travel. In accordance with NPPF paragraph 130 and section 9.

17 Landscaping

Prior to the relevant works a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the phasing details approved under condition 15.

The details shall adhere to the principles of the approved landscape masterplan and landscape drawings by open and shall detail-

- a) The number, species, stock size / height and position of trees and shrubs
- b) The trim trail, natural play areas and the 'play street'.
- c) The Sustrans connections which shall confirm an adequate gradient to deal with any variation in ground levels.
- d) Details of informal children's play areas.

The landscaping shall be reasonably maintained at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and to ensure adequate play facilities for future residents, in accordance with NPPF sections 8 and 12.

18 Road Safety Audit

A road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council) for the Wigginton Road junction works shall be carried out prior to first use of the access road.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

19 Site access

The development hereby permitted shall not come into use/be occupied until the following highway works (including works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Highway Works: Implementation of the highway works on Wigginton Road and the site access (which includes relocated footpaths, cyclist priority crossing at the junction

(to LTN 1/20 standards) bus stops (to include BLISS real time display) and pedestrian crossing islands).

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

20 Highway constructed before occupation

Prior to the occupation of any dwelling, all carriageways and footways fronting that dwelling and along which access is required to that dwelling, shall be kerbed, lit and surfaced to at least base course level.

Reason: To provide a safe means of access.

21 Materials

Manufacturer's details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the relevant phase of development. They shall be made available for review on-site, at the discretion of the Local Planning Authority. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used on each phase of the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

22 Large scale details

Large scale details showing typical details of the apartment buildings, and their rooftop (with plant) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and the setting of the conservation area, in accordance with NPPF sections 9 and 16.

23 Sustainable design and construction

The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013, or compliance with any approved Part L document dated 2021 or thereafter.

Prior to first occupation of any phase details of the measures undertaken to secure compliance with this condition, for the relevant phase, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

24 Noise

The development shall not be occupied until a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

The scheme shall demonstrate the building envelope of all dwellings shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours).

During the night LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

Noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of future residents from externally generated noise, in accordance with NPPF paragraphs 130 185 and 187.

25 Commercial unit - plant/machinery

Details of all machinery, plant and equipment to be installed in or located on the commercial premises on-site (the creche), which is audible outside of the premises, shall be first submitted to the local planning authority for approval in writing. 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 be retained and appropriately

maintained thereafter.

The combined rating level of any building service noise associated with plant or equipment at the site shall not exceed 46dB(A) LA90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of future residents from externally generated noise, in accordance with NPPF paragraphs 130 and 185.

26 Electric vehicle charging facilities

Each dwelling with car parking within its curtilage shall incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A). The necessary trunking/ducting shall be in place to enable cables to be installed prior to first occupation of the relevant dwelling. Details of this passive provision shall be included within a household pack for the first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting and details of distribution board location and capacity.

Prior to the commencement of development, or a phase of development (apart from demolition and/or enabling works), a strategy for the provision of electric vehicle (EV) charging facilities to serve communal spaces (i.e. those not within the curtilage of a dwelling and not within the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details. EV charging points shall incorporate a suitably rated 32A 'IEC 62196' electrical socket (minimum) to allow 'Mode 3' charging of an electric vehicle. The provision shall be at least 5% active and 5% passive.

The strategy shall specify the location, specification and timescales for installation of EV charging facilities and provide details of the active and passive provision. It shall include an Electric Vehicle Recharging Point Management Plan that will detail the management, maintenance, servicing and access/charging arrangements for each EV charging point for a minimum period of 10 years.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 112 and 174 the NPPF and policy ENV1 of the Publication Draft Local Plan.

27 Travel Plan

Prior to first occupation of the development a final travel plan shall be submitted to

and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details. The travel plan shall accord with the guidance detailed in the National Planning Policy Guidance and the framework travel plan dated June 2021. In addition to the measures in the framework Travel Plan the full plan shall include and subsequently adhere to -

- a) Details of the travel plan co-ordinator for the lifetime of the plan and method of funding.
- b) Implementation of additional sustainable transport measures should the targets of the travel plan not be met.

Reason: to promote sustainable travel, in accordance with NPPF section 9.

28 Cycle Parking

The houses within the development hereby permitted shall each be provided with at least two covered and secure cycle parking spaces. Details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant phase. The cycle parking facilities shall be provided in accordance with the approved details prior to first occupation of the relevant dwelling and retained as such thereafter.

The cycle parking facilities for the apartment buildings shall be provided in accordance with the approved plans prior to first occupation of the relevant building. The facilities shall be provided and retained as approved for residents use at all times.

Reason: To facilitate and promote sustainable travel modes in accordance with NPPF section 9.

29 Shared pedestrian and cycle paths connecting to existing network

All proposed shared pedestrian and cycle routes on the west side of the site, that pass over Bootham Stray and connect the development hereby permitted to the existing pedestrian and cycle network (along Wigginton Road and the Sustrans route), shall be no less than 3 metres wide.

Reason: In the interests of highway safety and to encourage sustainable travel. In accordance with NPPF paragraph 112.

30 Car club parking facilities

Prior to first occupation of the development a scheme to accommodate dedicated car parking space(s) for the car club shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the provision of at least 1 dedicated car share space within the Nestle South site and the trigger(s) for

installation. The car club space shall be retained for parking of car club vehicles exclusively for the lifetime of the development at all times, unless otherwise agreed in writing by the Local Planning Authority (should evidence be provided to demonstrate that a commercial operator is unwilling to locate car club facilities in this location following completion of the development).

Reason: to promote sustainable travel and reduce private car travel, in accordance with NPPF section 9.

31 Visitor parking

Car parking spaces annotated as visitor parking (VP) on the approved masterplan drawing DN0092-JTP-ZZ-ZZ-DR-A-0000 shall be retained for the aforementioned use at all times, unless such spaces are allocated for use as car club / car share spaces.

Reason: In the interests of good design and highway safety in accordance with NPPF paragraphs 112 and 130.

32 No through traffic

The restrictions (bollards) to limit vehicle access through the site shall be retained in accordance with the approved plans at all times. Access between Haxby Road and Wigginton Road is limited to public transport and walking/cycling links only.

Reason: To promote sustainable transport and to avoid increases in traffic in local residential streets, in accordance with NPPF section 9 and policies D1 and SS15 of the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: provided pre-application advice, sought revised plans in the interests of good design, the use of planning conditions and obligations.

2. Ecology

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. Trees and dense

vegetation are likely to contain nesting birds between 1st March and 31st August inclusive. As such habitats are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

3. Yorkshire Water

If the developer wishes to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact the Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk).

Please note that utilities may also be present within and adjacent the site entrance, which may require diversion or abandonment. The developer is advised to liaise with Yorkshire Water in respect of such matters.

4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

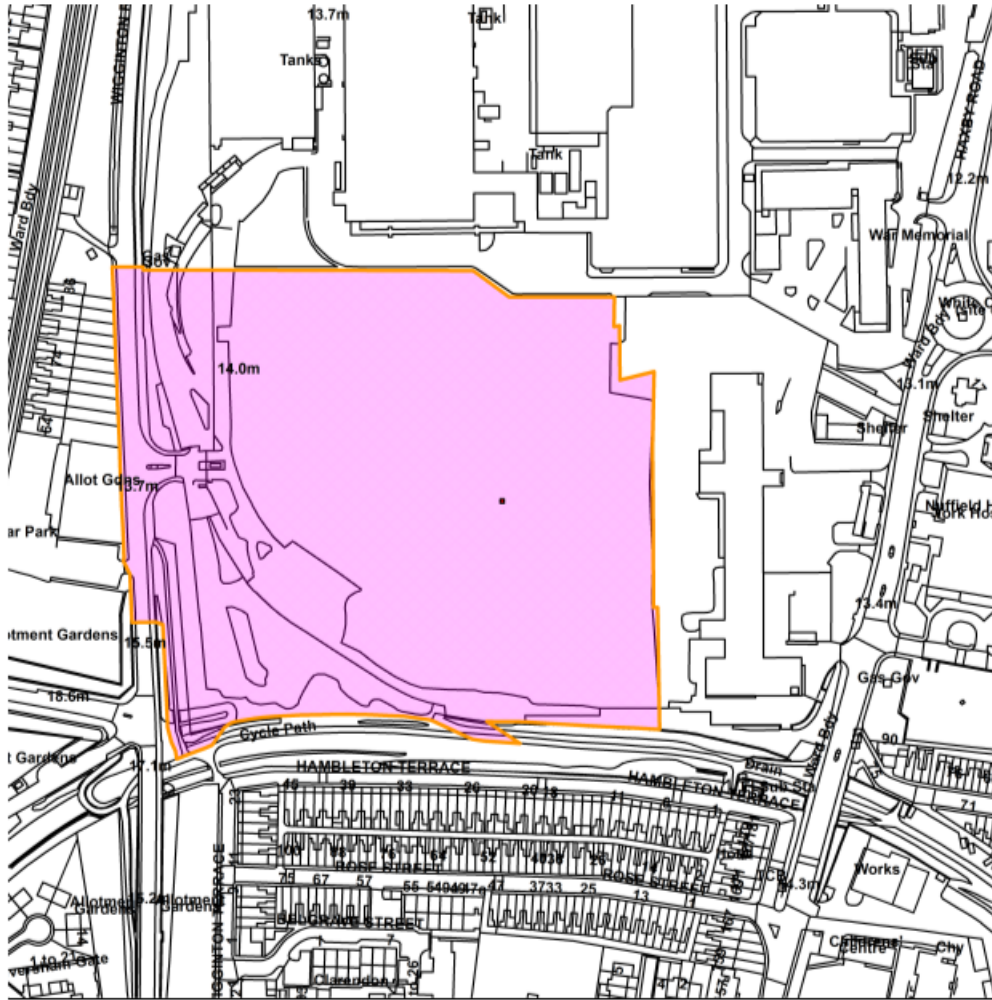
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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Land At Cocoa West, Wigginton Road, York

21/01371/FULM



Scale : 1:2513

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	23 November 2021
SLA Number	

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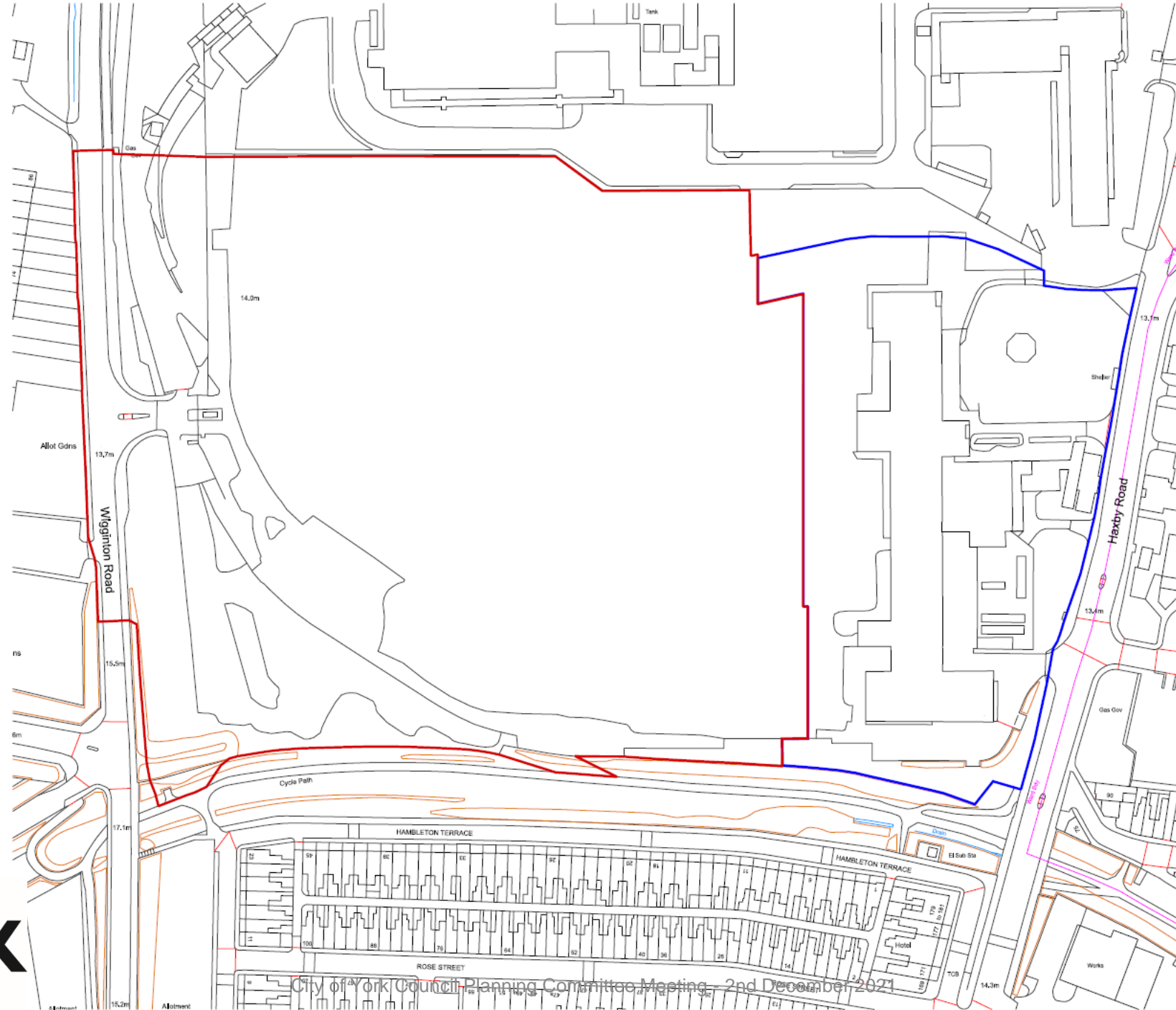
Planning Committee

To be held on Thursday 2nd December 2021

21/01371/FULM - Land At Cocoa West, Wigginton Road, York

Demolition of gatehouse and erection of up to 302 dwellings (Use Class C3), creche (Use Class E) and associated access, car parking, public open space, landscaping, associated infrastructure and drainage, and other associated works.

Site Location Plan



Notes
 Do not scale from this drawing.
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Rev	Date	Description	Drawn	Check
P1	05/04/21	Planning Submission	LS	AD

Drawing Status
Planning



Project
Cocoa West, York

Drawing Title
Site Location Plan

Sheet Code: DN0092/JTP/22/016/4/001
 Scale @ A3: 1:1250
 Job Ref: 01829
 Drawing No: 0001
 Revision: 01
 Scale Bar: 0 10 20 30m

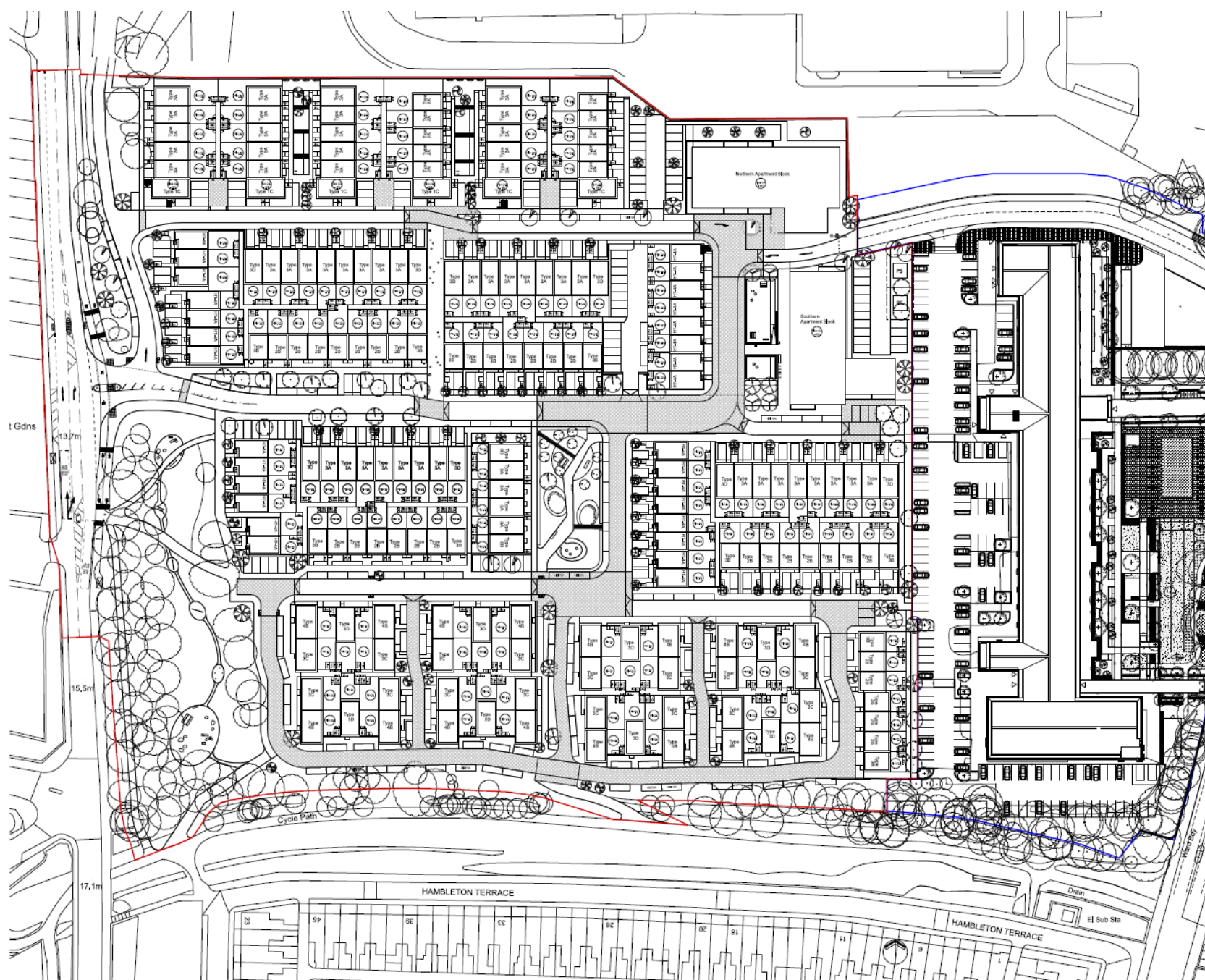


Aerial View (2017)



Page 70

Masterplan



All contractors must hold the site and be responsible for safety and checking of drawings.
 All contractors must hold the site and be responsible for safety and checking of drawings.
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TO BE READ IN CONJUNCTION WITH LANDSCAPE ARCHITECT'S DRAWINGS
 FOR DETAILS OF SURFACE MATERIALS, SOFTWARES AND STREET FURNITURE REFER TO DRAWINGS: 201572_L200 TO 201572_L203 AND LEGEND SHEET 201572_L204
 FOR DETAILS OF BOUNDARY TREATMENT AND ACCESS GATES REFER TO DRAWING 201572_L102 TO 201572_L105

PS 10/1/21 Paths & Street schemes, other schemes for B&L ASD PF
 PA 10/1/21 Public realm and landscape for CYP comments AGND PF
 PL 10/1/21 Public realm and landscape for CYP comments AGND PF
 PR 10/1/21 General arrangements & response to CYP comments ASD AD
 PT 10/1/21 Working for B&L LK AD

No.	Date	Description	Drawn	Check

Planning

JTP GROUP
 100 The Run Shopping Centre
 London, E20 2AP


 JTP Group
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 London, E20 2AP
 Tel: 020 7017 1780
 www.jtp.co.uk

Project
Cocoa West, York
 Drawing No.
Masterplan
 Sheet Code: DM01926/TP/2022/04/0009
 Scale @ A1: 1:500 Job Ref: 01820
 Drawing No. 0000 Revision: 05
 Scale Bar: 0m 10m 20m



North Apartment Building – Typical Elevation

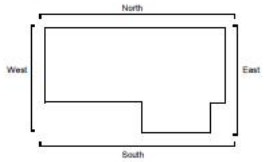


3D Perspective
NTS

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Drawing to be read in conjunction with
DN0062-JTP-NB-ZZ-D1-A-0701

Key Plan
NTS



Material Key

- 1 - Light Red Brick
- 2 - Red Brick
- 3 - White HT and Mass Brick
- 4 - White Brick
- 5 - Concrete Lintel & Cill Detail
- 6 - Balconies - Bronze RAL, colour tbc
- 7 - Window Frame - Bronze, RAL, colour tbc
- 8 - Louvre to Plant - Bronze, RAL, colour tbc
- 9 - Edge Railing - Bronze, RAL, colour tbc
- 10 - Parapet Capping - Bronze, RAL, colour tbc
- 11 - Glazed Curtain Wall Entrance - Bronze, RAL, colour tbc
- 12 - Apartment Front Door - Pastel Shades, RAL, colour tbc
- 13 - Ancillary External Doors - Bronze, RAL, colour tbc
- 14 - Fascia Panel - Bronze, RAL, colour tbc
- 15 - Columns - colour tbc

Page 72



PO	22.10.21	Control & apartment layouts amended to suit	EH	LP
PO	08.06.21	MEP Information & Fire Strategy	EH	AC
PO	10.06.21	Decisions noted for re-organisation	LF	DG
Rev	Date	Description	Drawn	Checked

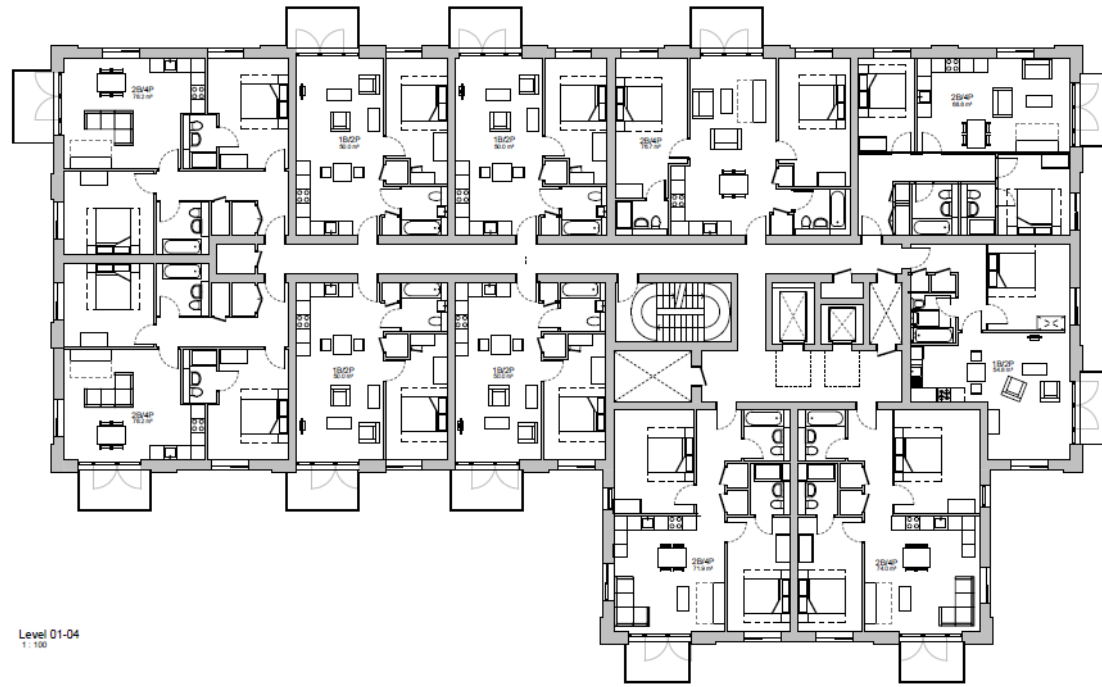
Comments



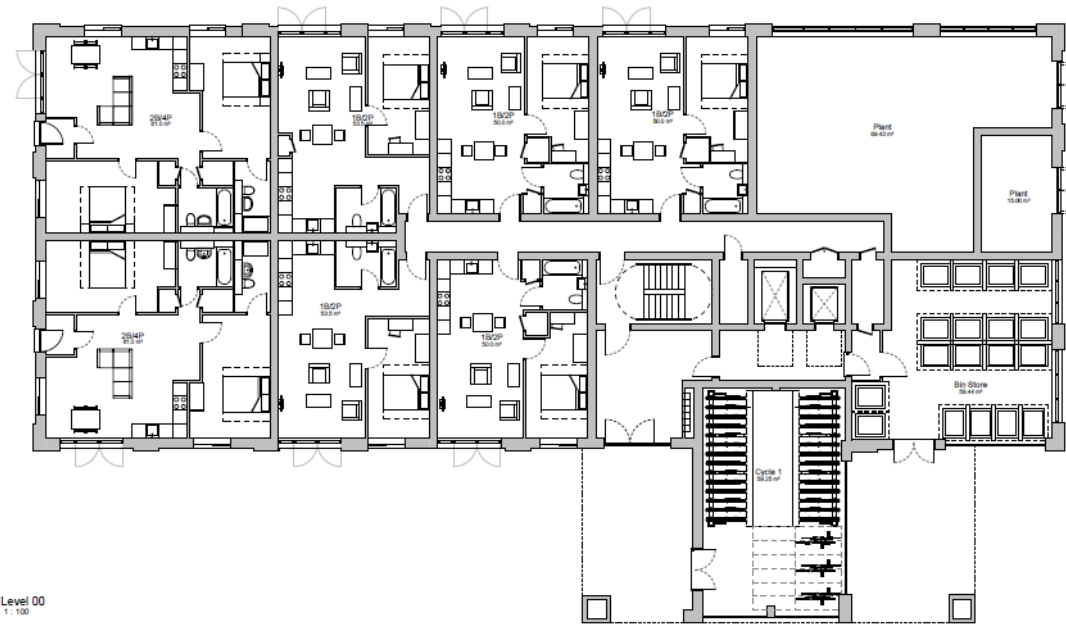
Project
Cocoa West - Northern Apartment Block
Drawing Title
GA Elevations (2of2)

Scale	As Indicated	Job Ref	D1820
Drawing No.	0702	Revision	PO3
Scale Bar	0 1 2 3 4 5 6 m		
Sheet Code	DN0062-JTP-NB-ZZ-D1-A-0702		

North Apartment Building – Typical Floor Plan



Level 01-04
1:100



Level 00
1:100

City of York Council Planning Committee Meeting - 2nd December 2021



Note
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Drawing to be read in conjunction with
DN0002-JTP-NB-ZZ-DR-A-0602

PO3	22.10.21	Corridor & apartment layouts amended to suit MSP information & Fire Strategy	EH	LP
PO2	09.08.21	Underground parking removed. Ground floor services and apartments reconfigured - 3 additional apartments added within existing building footprint	SACJ	AD
PO1	10.06.21	Planting layout	EH	DO

Rev	Date	Description	Drawn	Check

Comments

Client



JTP Studio, Unit 5
The Run Warehouse
Pennington Street
London, E16 2AP
+44 (0) 20 7077 1700
www.jtp.co.uk

Project
Cocoa West - Northern
Apartment Block

Drawing Title
GA Plans (1of2)

Scale @A1 1:100 Job Ref: 01820

Drawing No: 0601 Revision: PO3



Sheet Code
DN0002-JTP-NB-ZZ-DR-A-0601

South Apartment Building – Typical Elevation

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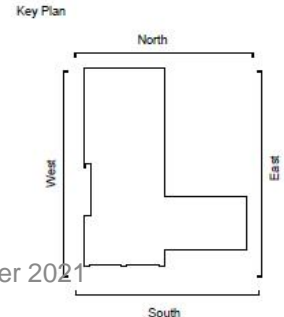
North Elevation
1:100

West Elevation
1:100

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City of York Council Planning Committee Meeting - 2nd December 2021



- Material Key**
- 1 - Light Red Brick
 - 2 - Red Brick
 - 3 - Red Hit and Miss Brick
 - 4 - White Brick
 - 5 - White Brick Banding Detail
 - 6 - Balconies - Bronze RAL colour fbc
 - 7 - Window Frame - Bronze, RAL colour fbc
 - 8 - Louvre to Plant - Bronze, RAL colour fbc
 - 9 - Edge Railing - Bronze, RAL colour fbc
 - 10 - Parapet Capping - Bronze, RAL colour fbc
 - 11 - Glazed Curtain Wall Entrance - Bronze, RAL colour fbc
 - 12 - Apartment Front Door - Pastel Shades, RAL colour fbc
 - 13 - Ancillary External Doors - Bronze, RAL colour fbc
 - 14 - Fascia Panel - Bronze, RAL colour fbc

POD	08.08.21	Drawings issued for submission	OG	AD
POI	10.06.21	Planning Issues	OG	LP
Rev	Date	Description	Drawn	Check
Drawing Status				
Planning				

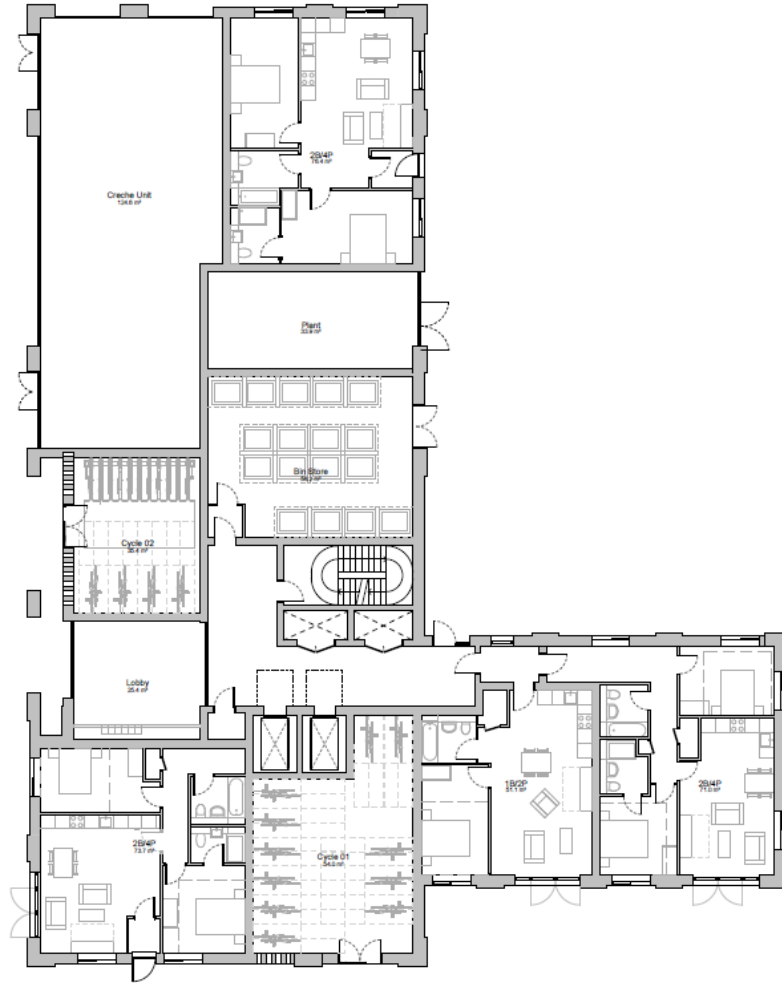


Project
Cocoa West - Southern Apartment Block

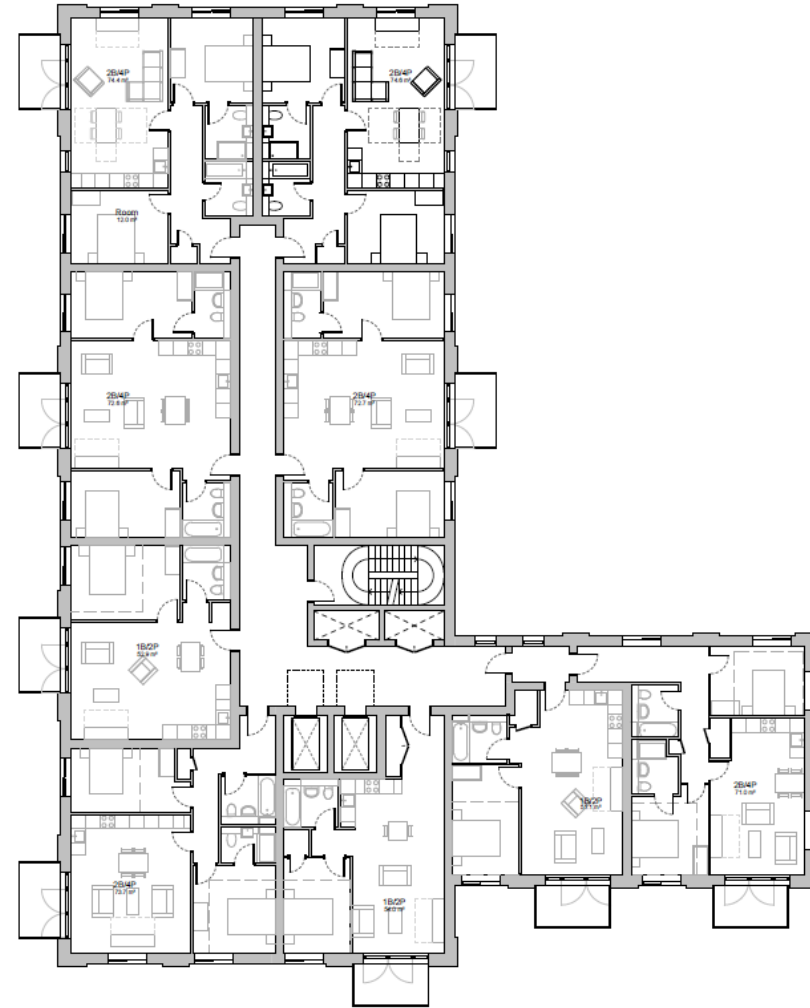
Drawing Title
GA Elevations (2of2)

Scale @A1 As Indicated Job Ref: 01820
 Drawing No: 0702 Revision: P02
 Scale Bar 0 1 2 3 4 5 m
 Sheet Code: DN0002-JTP-SB-22-DR-A-0702

South Apartment Building – Typical Floor Plan



Level 00



Level 01-04

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PO	09.06.21	General arrangement revised to accommodate structural changes	GG	AD
PO	10.06.21	Planning issue	GG	LF
Rev	Date	Description	Drawn	Check
Drawing Status				
Planning				
Client				



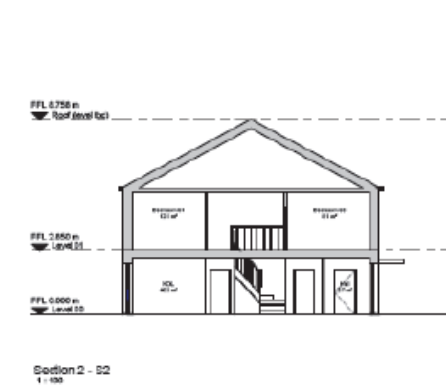
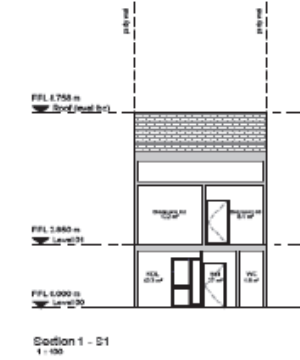
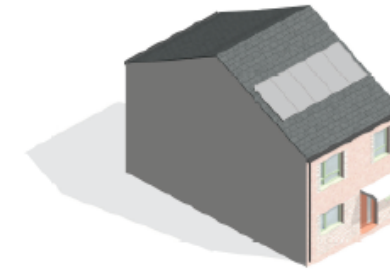
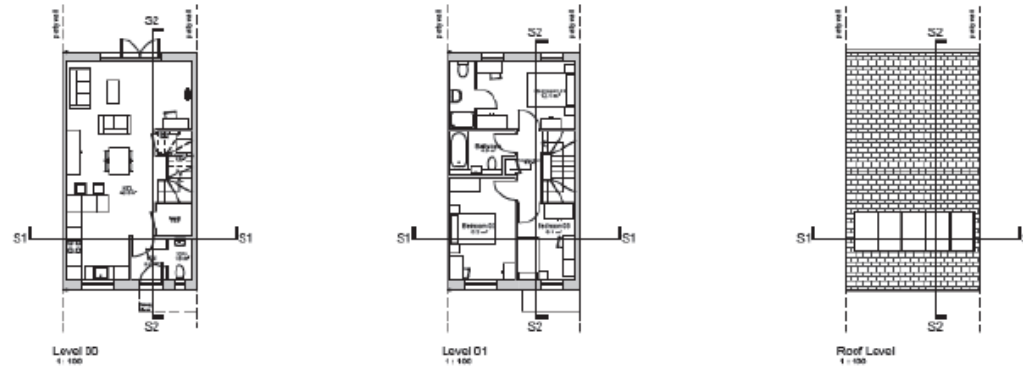
Project
Cocoa West - Southern Apartment Block

Drawing Title
GA Plans (1of2)

Scale @A1	1: 100	Job Ref.	D1620
Drawing No.	0601	Revision	PO2
Scale Bar	0 1 2 3 4 5 m		
Sheet Code	DN0002-TP-SB-ZZ-06-A-001		



Housetype Plan



NOTE
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This drawing is the work prepared for the purpose of the contract.
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Plots 16, 18, 22, 24, 26, 28, 35, 37, 39, 101, 121, 123, 125, 127, 147, 149, 151, 153, 155, 157, 159, 163, 165, 168, 171, 173, 183, 185, and 167 are handed units.

***Light Red Brick -**
Plots 123, 133, 136, 137, 138, 139, 162, 163, 164, 165, 166, 168, 170, 171, 172, 173, 183, 184, 185, 186, 187

****Buff Brick -**
Plots 22, 23, 24, 25, 26, 27, 28, 35, 36, 37, 38, 39, 106, 101, 112, 121, 122, 124, 125, 126, 127, 128, 147, 148, 149, 150, 151, 152, 163

- Material Key**
- 1 - Light Red Brick*
 - 2 - Buff Brick**
 - 3 - Grey Gutter with Square Profile
 - 4 - Grey Rain Water Pipe (rwp) with Square Profile
 - 5 - White metal canopy
 - 6 - Window Frames - Pale Green - RAL colour TBC
 - 7 - Front Door - Painted Shakes - RAL colour TBC
 - 8 - Glazed Patio Doors - Pale Green - RAL colour TBC
 - 9 - White Brick Detail
 - 10 - Gable Eaved Roof Tiles

Garage Schedule

Name	Area
G/A - 00	49.0 m ²
G/A - 01	49.5 m ²
Total	98.5 m²

Storage Schedule

Name	Area
Store 01	2.0 m ²
Linen/Storage Store	0.5 m ²
Laundry Store	0.3 m ²
Total	2.8 m²

AGSS storage requirements (AGSS) - 2.5m²



HOUSE TYPE 3A PROPOSED IN NORTH SECTION OF SITE

City of York Council Planning Committee Meeting - 2nd December 2021

PER 20.01 Planning Schedule DS LS

Rev | Date | Description | Status | Date

Project Name
PLANNING

Client


 **jtp** JTP (UK) Ltd is a
The City of York
Paragon Street
Leeds, LS1 2PT
www.jtp.co.uk

Project
Cocoa West

Design Title
HT_3A - Plans Sections Elevations

Scale: 1:100
Rev: 01/2021
Drawing No: 0030
Revision: PD1

Scale: 0 1 2 3 4 5 m

Sheet Code
DN060-JTP-2223-D8-A-0135

Site Sections (1)



Section D-D
Northern Street



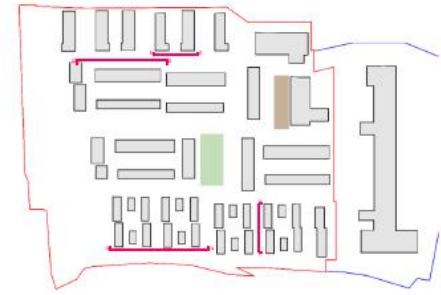
Section E-E
Northern Groves



Section F-F
Southern Mews



Section G-G
Southern Mews



Notes
 All contractors must visit the site and be responsible for taking and checking dimensions.
 All proposed dimensions should be taken from agreed datum points.
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PR 2021/25	Demolition and new development	DRN AD		
PL 2021/21	Planning Application	LS AD		
Rev	Date	Description	Drawn	Checked
Drawing Status				
Planning				
Client				
JTP Services Unit 8, The Mill Warehouse Pennington Street, London, E1W 2AP +44 (0)20 7317 1188 www.jtp.co.uk				
Project				
Cocoa West, York				
Drawing Title				
Proposed Site Sections				
Sheet Codes: DM0100-11P-22-23-DR-01-004				
Scale	@ A1	1:250	Job Ref	01820
Drawing No.	0204	Revision	P2	
Scale bar				

Site Sections (2)



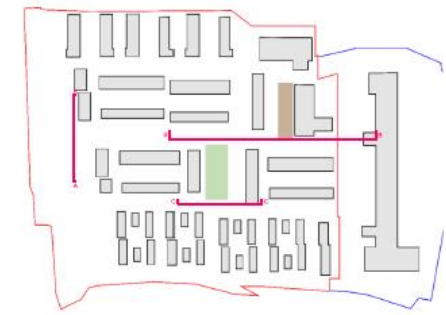
Section A-A
Wiglington Road Arrival



Section B-B
Main Street



Section C-C
Neighbourhood Green



Notes

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PR 20/1/21	Some building elevations omitted.	DMA	AD
PI 16/05/21	Planning Committee	LS	AD

Rev	Date	Description	Drawn	Checked
Drawing Status				
Planning				



LATIMER
Architectural Services



jtp
JTP Studio
Unit 6, The Sun Warehouse
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+44 (0)20 7911 1385
www.jtp.co.uk

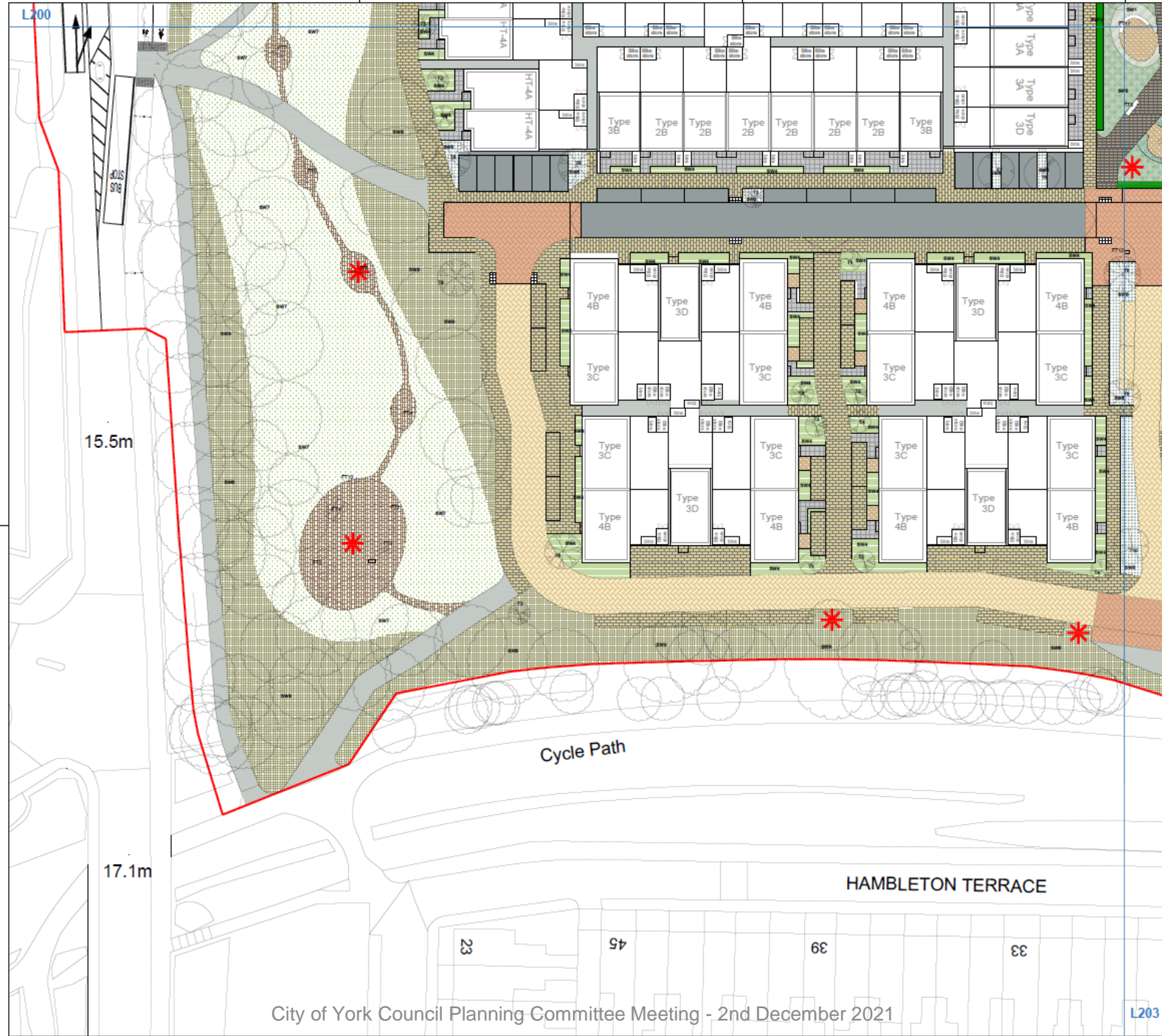
Project
Cocoa West, York

Drawing Title
Proposed Site Sections

Sheet Code: DM2021/174/25/20DR/4/0003
Scale @ A1: 1:200 Job Ref: 01820
Drawing No: 0003 Revision: P2



Example of Public Realm and Landscape



REFER TO L204 FOR LEGEND

NOTES

- This drawing is to be read in conjunction with all other drawings and specifications.
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DRAWING INFORMATION BASED UPON

COM INFORMATION

KEY PLAN

Page 79

Rev	Description	Author	Date
1	Issue for Planning	AMW	22/11/21
2	Issue for Planning Committee	AMW	08/12/21
3	Issue for Planning Committee	AMW	08/12/21
4	Issue for Planning Committee	AMW	08/12/21
5	Issue for Planning Committee	AMW	08/12/21
6	Issue for Planning Committee	AMW	08/12/21

open
optimised environments ltd

Unit 10, Riverside Way, L12 2NS, York | 01904 611111
Unit 1, Wattham Way, York | 01904 611111

Client
Latimer Developments Limited

Project
COCOA WEST
York

Drawing Title
GENERAL ARRANGEMENT
PAGE 3 OF 4

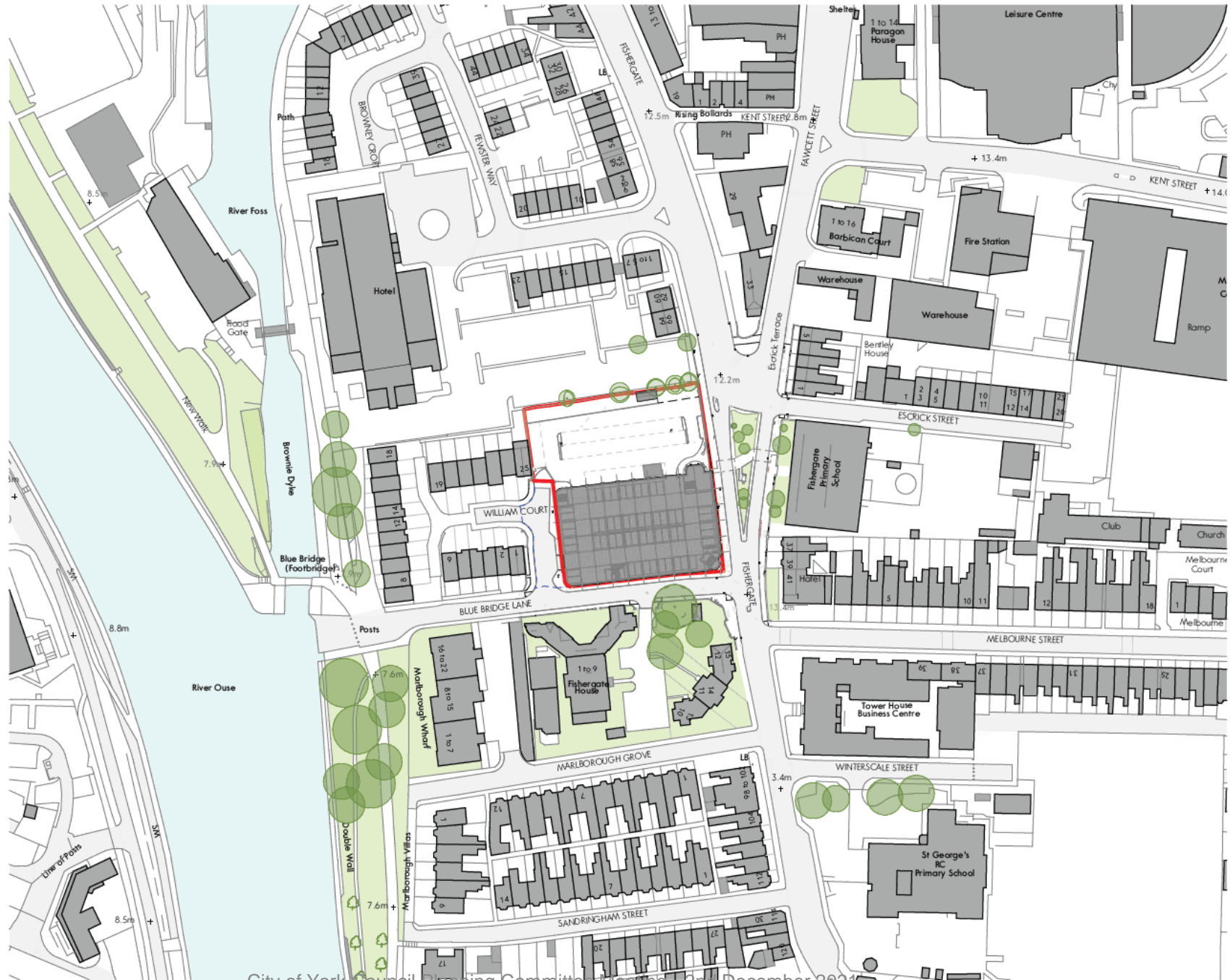
Scale Bar
North

Scale: 1:250@A1 Date: 31.03.21
By: OO Status: PLANNING
Checked: AMW Approved: AMW
Drawing Number: 201572_L202 Rev: 6

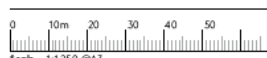
21/01605/FULM - Mecca Bingo, 68 Fishergate, York

Demolition of existing buildings and redevelopment of the site to form 275no. room purpose built student accommodation with associated car parking, landscaping and facilities

Site Location Plan



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Rev	Date	Comment	Dr	Ch
PA02	23.06.21	Revised to comments	DE	DT
PA01	18.06.21	First Issue	DE	DT



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REGISTERED DESIGNERS
ARTISTS & ARCHITECTS
LANDSCAPE ARCHITECTS

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architects@gwp-arch.co.uk | www.gwp-arch.com

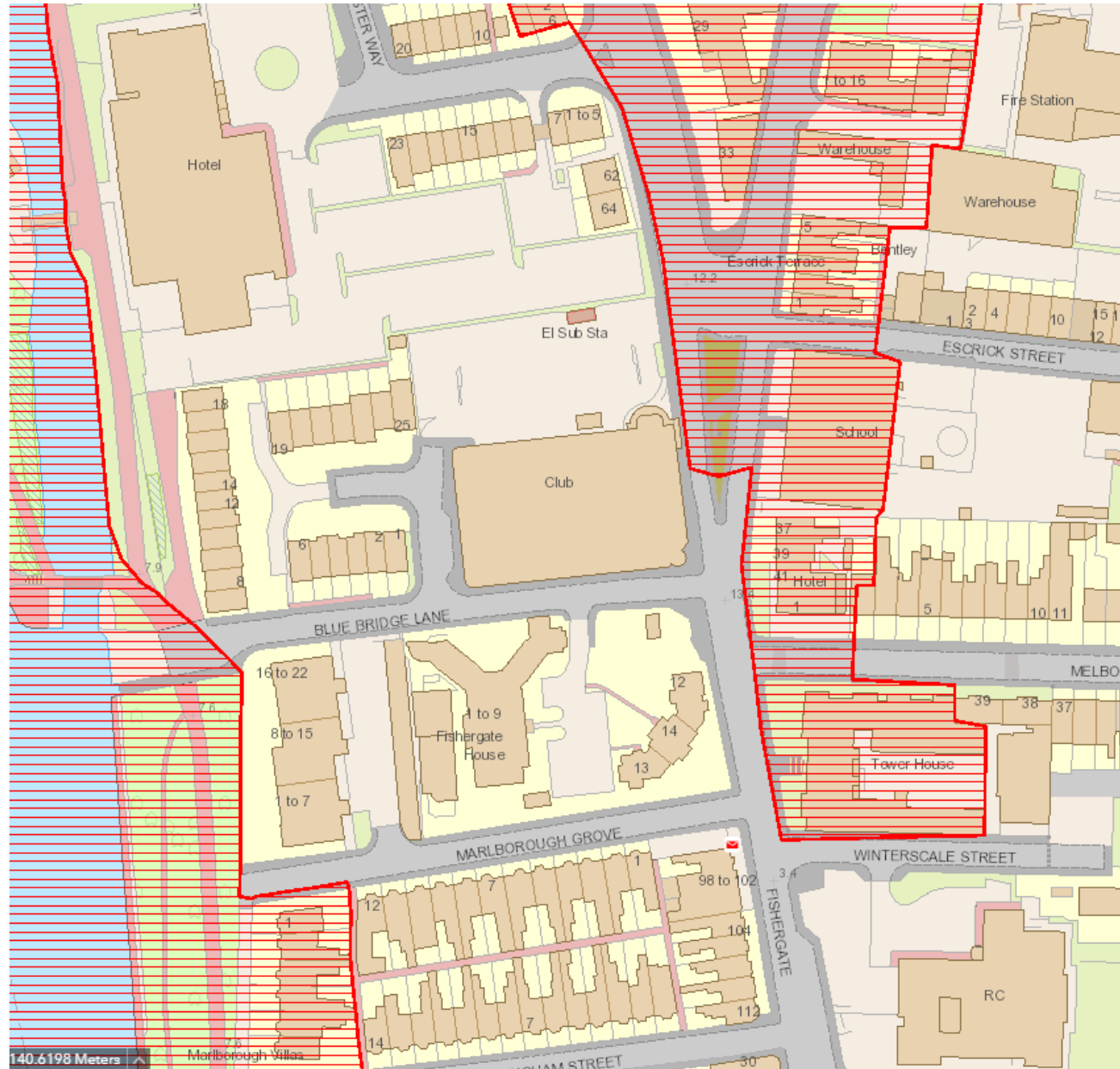
Job Title: (45)12101
Rialto House, Fishergate, York

Client: OLYMPIAN

Location Plan	
Name	2101-GWP-01-XX-DR-A-(PA)-0001
Scale	1:1250@A3
Revision	PA02
Drawn/Checked	DE/DT
First Issue	18.06.21
Drawing Status	D - Planning



Illustration of surrounding Conservation Areas



Blue Bridge Lane

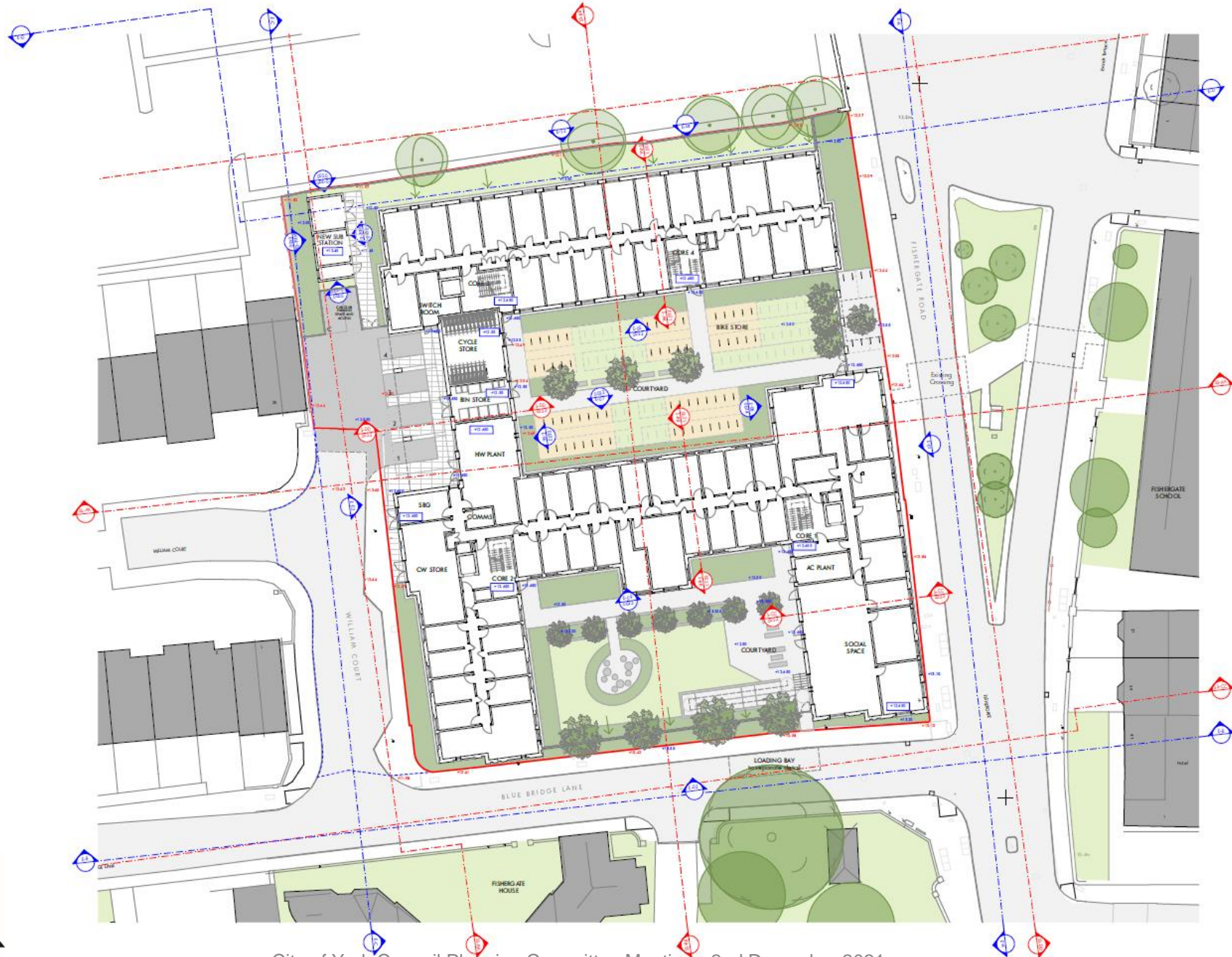


Rear Elevation Facing South/William Court



Front, Side and Rear of 25 William Court

Proposed Site Plan



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Scale: 1:500 (A1)

Application Site Boundary
Extent of Site Title

NO.	DATE	REVISION	BY	CHKD.
1	15/12/21	Issue for Planning	AW	AW
2	15/12/21	Issue for Planning	AW	AW
3	15/12/21	Issue for Planning	AW	AW
4	15/12/21	Issue for Planning	AW	AW
5	15/12/21	Issue for Planning	AW	AW
6	15/12/21	Issue for Planning	AW	AW
7	15/12/21	Issue for Planning	AW	AW
8	15/12/21	Issue for Planning	AW	AW
9	15/12/21	Issue for Planning	AW	AW
10	15/12/21	Issue for Planning	AW	AW
11	15/12/21	Issue for Planning	AW	AW
12	15/12/21	Issue for Planning	AW	AW
13	15/12/21	Issue for Planning	AW	AW
14	15/12/21	Issue for Planning	AW	AW
15	15/12/21	Issue for Planning	AW	AW
16	15/12/21	Issue for Planning	AW	AW
17	15/12/21	Issue for Planning	AW	AW
18	15/12/21	Issue for Planning	AW	AW
19	15/12/21	Issue for Planning	AW	AW
20	15/12/21	Issue for Planning	AW	AW



48313 501
Rialto House, Fishergate, York

OLYMPIAN

Proposed Site Plan

10
 Number: 2101-CWP-01-00-DR-A-PAJ-0010
 Date: 15/12/21
 Drawing: Planning
 Scale: 1:500 (A1)



Proposed Elevations – North and West



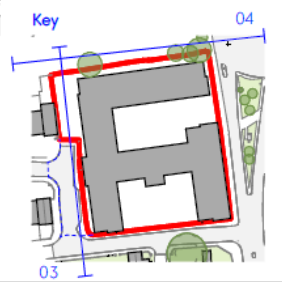
ELEVATION 03 - From William Court, Looking East



ELEVATION 04 - From Novotel Carpark, Looking South

Materials Key

- 1. Light red multi-brick
- 2. Dark red multi-brick
- 3. Brass spandrel panel
- 4. Setback brick panel reveal detail
- 5. High performance PPC Aluminium window units, double glazed. External colour to match brass spandrel panel, RAL TBC (white internally).
- 6. Horizontal louvre. RAL TBC.
- 7. Standing seam zinc roof. RAL TBC.
- 8. Vertical metal railing. RAL TBC.
- 9. Feature horizontal band, Brick Soldier Course and recessed brick band.
- 10. Steel louvre external door. Colour to match windows, RAL TBC.
- 11. Feature brick chimney. Brick type 1 / 2 as per elevation.
- 12. Standing seam zinc to lift overrun. Colour to match roof, RAL TBC.
- 13. Potential location for Public Art. Details TBC.



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0 1m 5m 10m
Scale - 1:200 @A3

City of York Council Planning Committee Meeting - 2nd December 2021

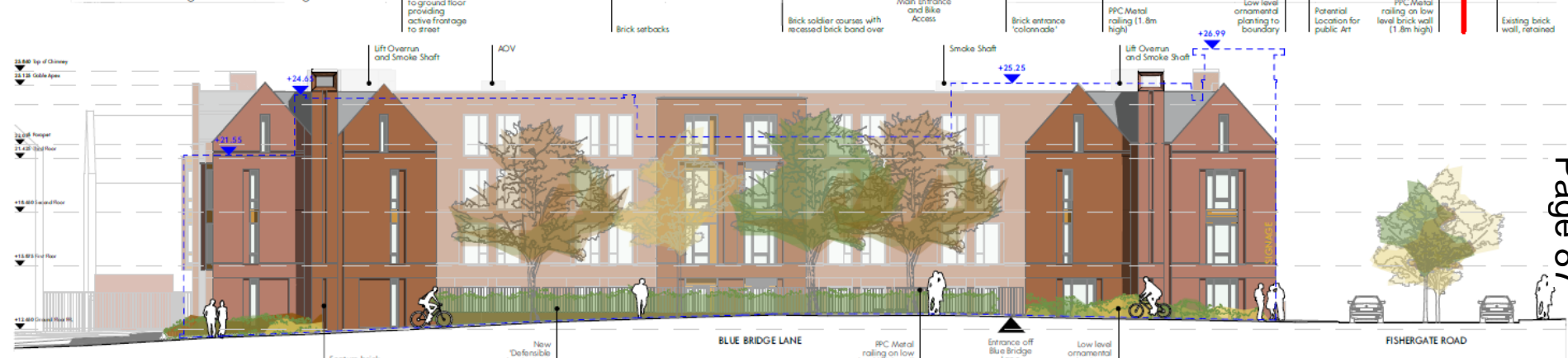
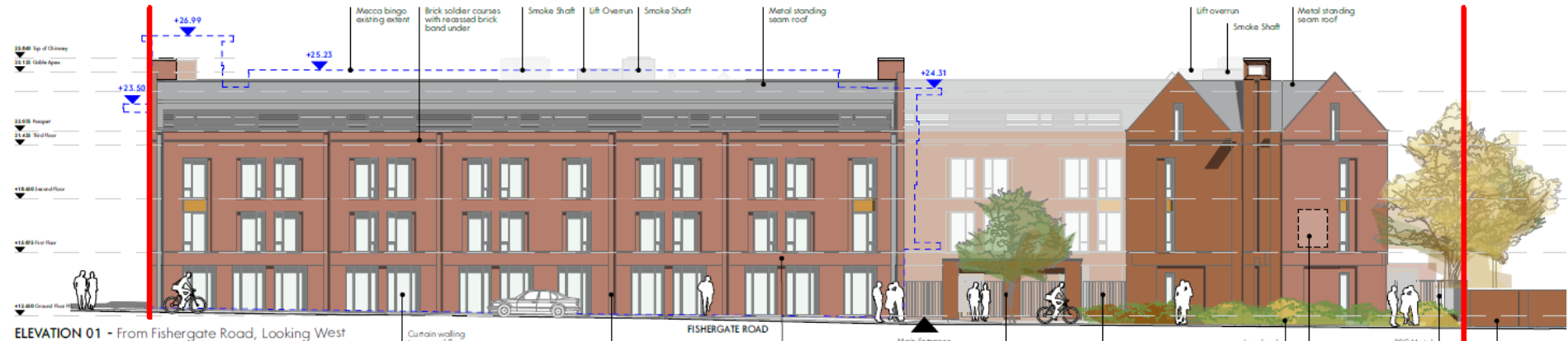
PA11	22.11.21	Revised to comments.	CT	DT	GWP Job Reference	(451)2101
PA10	05.11.21	Update to metal railing	CT	DT	Job Title	Rialto House, Fishergate, York
PA09	04.11.21	Update to metal railing	CT	DT	Client	
PA08	05.10.21	Minor graphical amendments	DE	DT	Drawn/Checked	DE / DT
PA07	28.09.21	Revised to comments regarding external door, substation amended	DE	DT	First Issue	18.06.21
PA06	18.06.21	Revised to comments received from Fire Engineer	DE	DT	Drawing Status	D - Planning
PA05	11.06.21	Substation location amended	DE	DT		
PA04	13.07.21	Lift overrun metal cl added to key	DE	DT		

OLYMPIAN

Proposed Elevations 03, 04	
Name	2101-GWP-01-XX-DR-A-(PA)-0021
Scale	1:200@A3
Revision	PA 11
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



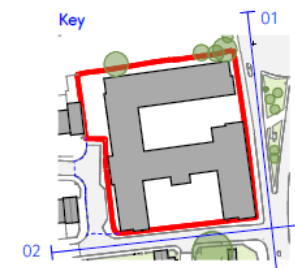
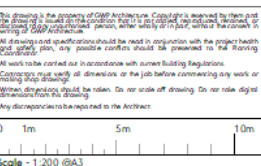
Proposed Elevations – East and South



ELEVATION 02 - From Bluebridge Lane, Looking North

Materials Key

1. Light red multi-brick.
2. Dark red multi-brick.
3. Brass spandrel panel
4. Setback brick panel reveal detail.
5. High performance PPC Aluminium window units, double glazed. External colour to match brass spandrel panel, RAL TBC (white internally).
6. Horizontal louvre. RAL TBC.
7. Standing seam zinc roof. RAL TBC.
8. Vertical metal railing. RAL TBC.
9. Feature horizontal band, Brick Soldier Course and recessed brick band.
10. Steel louvre external door. Colour to match windows, RAL TBC.
11. Feature brick chimney, Brick type 1 / 2 as per elevation.
12. Standing seam zinc to lift overrun. Colour to match roof, RAL TBC.
13. Potential location for Public Art. Details TBC.



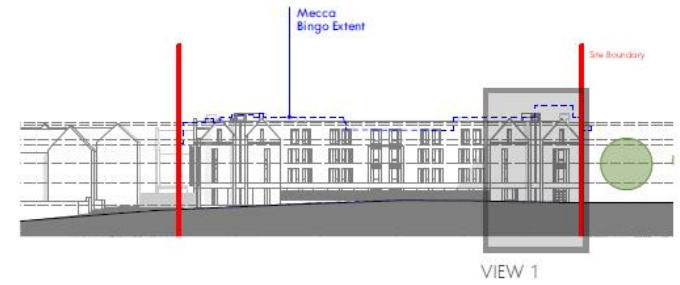
Rev	Date	Comment	Dr	Ch
PA11	22.11.21	Revised to comments.	CT	DT
PA10	05.11.21	Landscape revised to comments.	CT	DT
PA09	04.11.21	Landscape revised to comments.	CT	DT
PA08	05.10.21	Minor graphical amendments.	DE	DT
PA07	28.09.21	Revised to comments received. Civils, revised. Substation Amended.	DE	DT
PA06	18.08.21	Revised to comments received. Substation Amended.	DE	DT
PA05	11.08.21	Substation location amended.	DE	DT

GWP Job Reference: (451)2101
 Rialto House, Fishergate, York
 OLYMPIAN

Proposed Elevations 01, 02	
Name	2101-GWP-01-XX-DR-A-(PA)-0020
Scale	1:200@A3
Revision	PA.11
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning

Studio: House, Lodge Lane, Leeds LS10 1PD
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 info@gwp-arch.com | www.gwp-arch.com

Large Scale Details and materials – Fishergate, Blue Bridge Lane corner



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Rev	Date	Comment	Dr	Ch
PA04	30.09.21	Revised in line with amendments to elevations	DE	DT
PA03	13.07.21	Notes revised	DE	DT
PA02	23.06.21	Revised to comments	DE	DT
PA01	18.06.21	First issue	DE	DT

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
OLYMPIAN

Bay / Materials Study 02	
Name	2101-GWP-01-XX-DR-A-(PA)-0041
Scale	VARIES
Revision	PA.04
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



Proposed Ground Floor



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KEY

- Social Space - 336m²
- Plant - 175m²
- Vertical Circulation / Cores
- Cluster Social Kitchens
- Studio Room - Varies 22 No.
- DDA Studio Room - ~31.2m² 1 No.
- Cluster Bedroom - 12.5m² 27 No.
- Total: 50 No.**

Cycle Storage 168 Spaces (61.09%)
 Future Cycle Storage 168+ 94 Spaces = 262 (95.27%)

- Building Entrance / Egress
- Cycle Access via Gate
- Maintenance access off Blue Bridge Lane

Rev	Date	Comment	Dr	Ch
IK13	22.11.21	Revised to comments		
IK12	04.11.21	Cycle layout amended		
IK11	05.10.21	Cycle layout amended		
IK10	30.09.21	Cycle access via gate indicated		
IK09	23.09.21	Revised to comments. Cycle amended. Substation location and size amended.		
IK08	11.08.21	Substation location amended		
IK07	30.06.21	Cycle parking route revised		
IK06	29.06.21	Cycle parking revised		
IK05	28.06.21	Energy centre amended. Smoke shaft location amended		

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 INTERIORS DESIGNERS
 PRICE MANAGERS
 PROJECT MANAGERS
 LANDSCAPE ARCHITECTS

Rialto House, 144 Great Easton Road, York YO1 1JG
 440011 152 246 404 (P) 440011 152 246 1800 (F)
 arch@rialtogwp-arch.com | www.gwp-arch.com
 01904 400 000

(451)2101

Job Title: Rialto House, Fishergate, York

OLYMPIAN

Proposed Ground Floor Plan	
Name	2101-GWP-01-00-DR-A-(PA)-0012
Scale	1:250@A3
Revision	PA 3
Drawn/Checked	DE/DT
First Issue	18.06.21
Drawing Status	D - Planning



Proposed First Floor



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All work to be carried out in accordance with current Building Regulations.

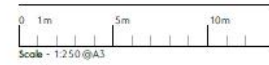
Dimensions given in all dimensions on the job before commencing any work or making any drawing.

Without dimensions should be taken.

Do not scale off drawing.

Do not make digital dimensions from this drawing.

Any discrepancies shall be reported to the Architect.



— Site Development Boundary
 - - - Extent of Site Title

KEY

█	Vertical Circulation / Cores	
█	Cluster Social Kitchens	
█	Studio Room - Various	21 No.
█	DDA Studio Room - ~31.2m ²	1 No.
█	Cluster Bedroom - 12.5m ²	59 No.
	Total:	81 No.

Rev	Date	Comment	By	Chk
IN04	22.11.21	Revised to comments	CI	
IN07	05.10.21	Revised to reflect changes to drawing 0013	DE	DE
IN06	30.09.21	Revised to comments received from Fire Engineer	DE	
IN05	24.09.21	Revised to comments. Cable tray amended. Substation location and size amended.	DE	
IN04	11.08.21	Substation location amended	PF	DE
IN03	29.08.21	Energy scheme amended. Smoke shaft and service riser swapped.	DE	DE
IN02	23.06.21	Revised to comments	DE	DE
IN01	18.06.21	Final issue	DE	DE



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 INTERIOR DESIGNERS
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 01132461809 | www.gwp-arch.com

GWP 300 04/2016

(45112101)

Job Title: Rialto House, Fishergate, York
 Client:

OLYMPIAN

Proposed First Floor Plan

Name	2101-GWP-01-01-DR-A-(PA)-0013
Scale	1:250@A3
Revision	PA08
Drawing/Checked	DE/DT
Final Issue	18.06.21

Drawing Status: Planning

Proposed Second Floor Plan



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All work to be carried out in accordance with current Building Regulations.

Contractors must check all dimensions or the job before commencing any work or where dimensions should be stated.

Do not scale off drawing.

Do not take digital dimensions from this drawing.

Any discrepancies to be reported to the Architect.



KEY

Vertical Circulation / Cores	21 No.
Cluster Social Kitchens	1 No.
Studio Room - Various	59 No.
DDA Studio Room - 31.2m ²	1 No.
Cluster Bedroom - 12.5m ²	59 No.
Total:	81 No.

Rev	Date	Comment	DE	DT
PA08	22.11.21	Revised to comments		
PA07	05.10.21	Revised to reflect changes to drawings 05/12		
PA05	30.09.21	Revised to comments received from Fire Engineer		
PA05	24.09.21	Revised to comments. Cable tray amended. Substation location on site amended.		
PA04	11.08.21	Substation location amended		
PA03	29.06.21	Energy centre omitted. Smoke shaft and service riser swapped.		
PA02	23.06.21	Revised to comments	DE	DT
PA01	18.06.21	Final Issue	DE	DT

Page 91



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ARCHITECTS & DESIGNERS
PROJECT MANAGERS
LANDSCAPE ARCHITECTS

Rialto House, Hager Lane, Leeds LS2 1BQ
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office@gwparchitects.com | www.gwp-arch.com

Drawn to reference: 145112101

Site Title: Rialto House, Fishergate, York
Client: OLYMPIAN

OLYMPIAN

Proposed Second Floor Plan			
Name	2101-GWP-01-02-DR-A-(PA)-0014	Revision	PA08
Scale	1:250@A3	Drawn/Checked	DE/DT
Drawn/Checked	DE/DT	Final Issue	18.06.21
Drawing Status	D - Planning		



Proposed Third Floor Plan



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— Site Development Boundary
 - - - Extent of Site Title

KEY

- Vertical Circulation / Cores
- Cluster Social Kitchens
- Studio Room - Varies 14 No.
- DDA Studio Room - ~27.7m² 1 No.
- Cluster Bedroom - Varies 48 No.

Total: 63 No.

Rev	Date	Comment	Dr	Ch
PK10	22.11.21	Revised to comments	C	
PK09	05.10.21	Revised to reflect changes to drawing 03.03	C	
PK08	30.09.21	Revised to comments received from Fire Engineer	CB	
PK07	24.09.21	Revised to comments. Substation amended. Substation location and size amended.	CB	
PK06	18.08.21	Revised to comments received from Fire Engineer	CB	
PK05	11.08.21	Substation location amended	CB	
PK04	29.06.21	Energy centre amended. Smoke shaft and service riser amended.	CB	HT
PK03	23.06.21	Revised to comments	CB	DT
PK02	22.06.21	Roof lights to kitchens added	CB	DT
PK01	14.06.21	Final issue	CB	DT

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 gwp@wpagwp.com | www.gwpagwp.com

GWP Job Reference: (451)2101

Job Title: Rialto House, Fishergate, York

Client: OLYMPIAN

OLYMPIAN

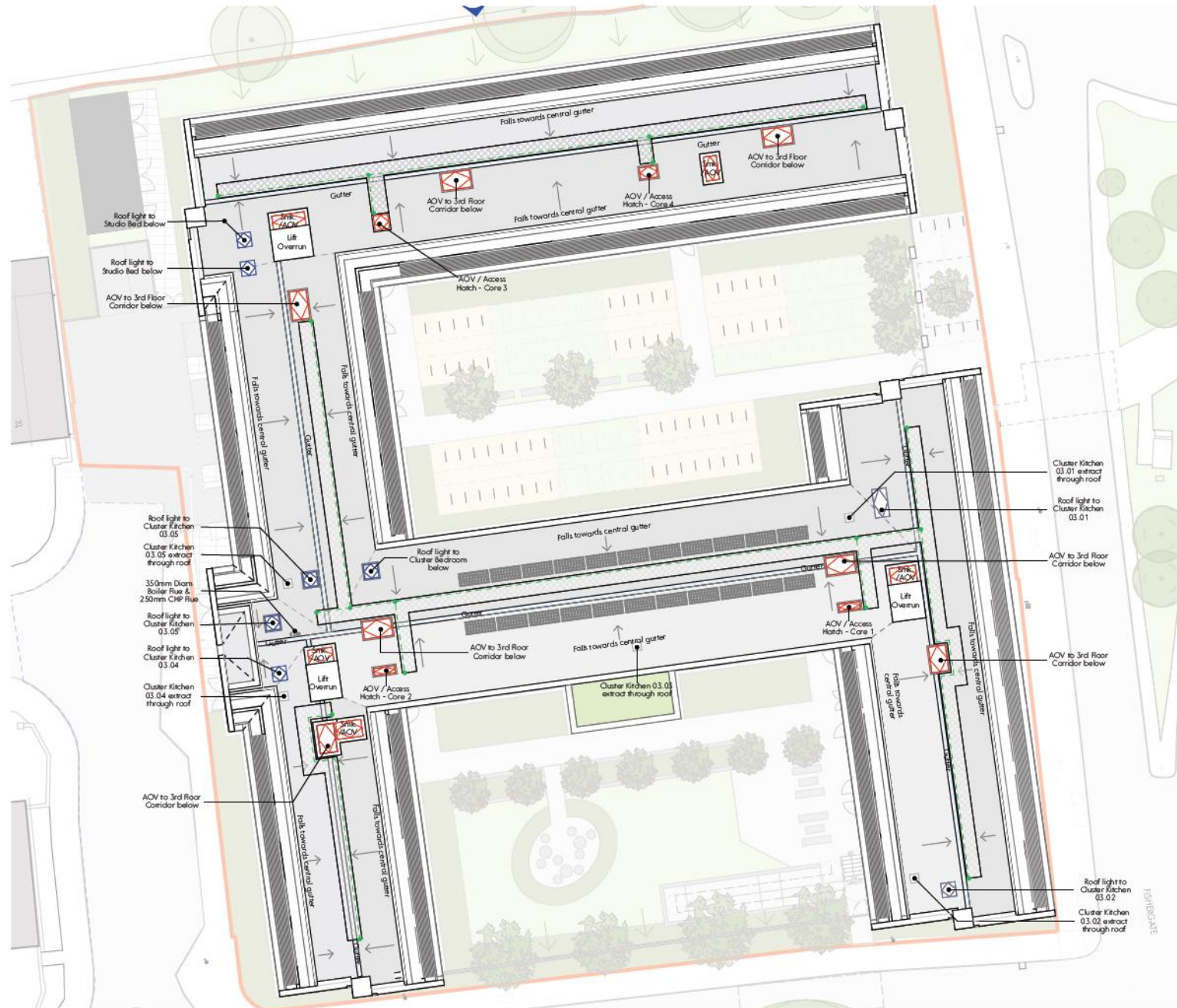
Proposed Third Floor Plan

Name:	2101-GWP-01-03-DR-A-(PA)-0015
Scale:	1:250@A3
Revision:	PA10
Drawn/Checked:	DE/DT
First Issue:	18.06.21
Drawing Status:	D - Planning

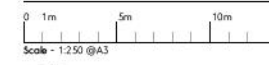
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Proposed Roof Plan



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- Site Development Boundary
- Extent of Site Title
- Roof access walkway
- Fall Arrest System - Design and detail by specialist
- Drainage gutter
- Drainage falls - as indicated
- AOV to smokeshaft - Serving up to Second Floor
- Combined AOV/Roof Access Hatch to stair cores
- PV Panels - 22 No., 2094 x 1038mm @ 30°
- Roof Light

Rev	Date	Comment	Dr	Ch
IN10	22.11.21	Revised to comments	Dr	Dr
IN09	05.10.21	Revised to reflect changes to drawing 0012	Dr	Dr
IN08	24.09.21	Revised to comments. Cables amended. Substation location and size amended.	Dr	Dr
IN07	18.08.21	Revised to comments received from Fire Engineer	Dr	Dr
IN06	11.08.21	Substation location amended	Dr	Dr
IN05	28.06.21	Core 3 Smoke shaft relocated	Dr	Dr
IN04	25.06.21	PV quantity confirmed	Dr	Dr
IN03	23.06.21	Revised to comments	Dr	Dr
IN02	22.06.21	Roof Lights to kitchens added	Dr	Dr
IN01	18.06.21	First Issue	Dr	Dr



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0113 266 0554 (M) | www.gwp-arch.com

GWP Job Reference: 145112101

Job Title: Rialto House, Fishergate, York

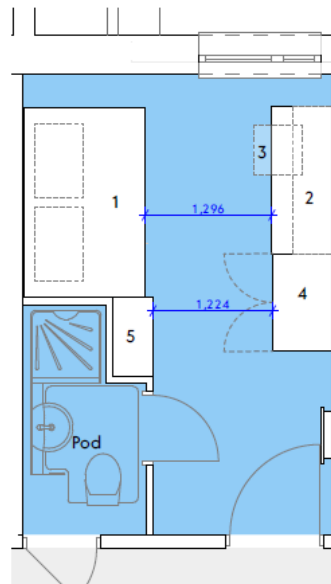
Client: OLYMPIAN

Proposed Roof Plan

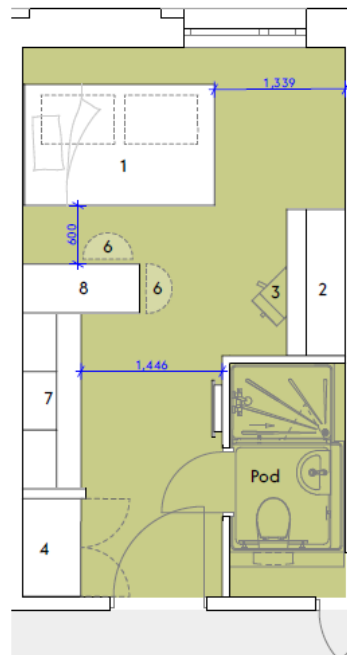
Name	21 01 - GWP-01-04-DR-A-(PA)-0016		
Scale	1:250@A3	Revision	PAJ 0
Drawn/Checked	DE/DT	First Issue	18.06.21
Drawing Status	D - Planning		



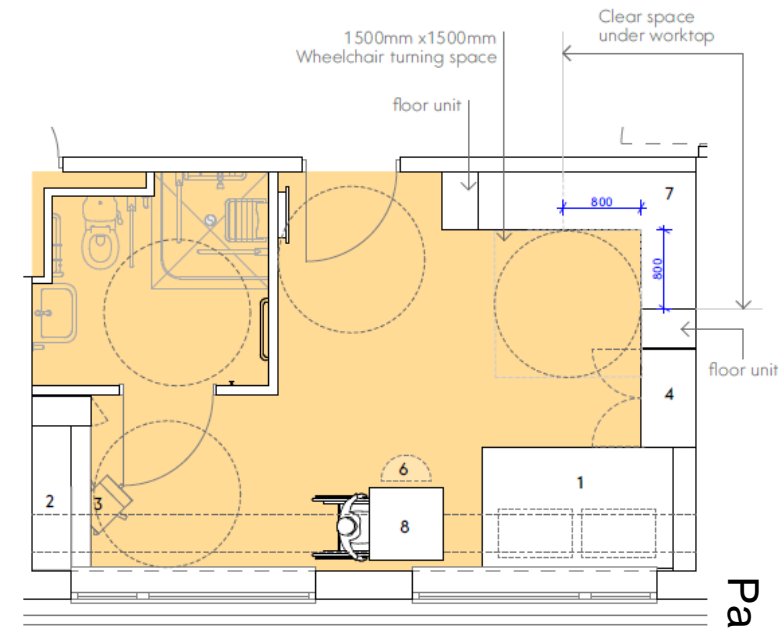
Typical Bedroom Types



Typical Cluster Study Bedroom - 190 No. Unit Shown 12.5m²



Typical Studio Bedroom - 82 No. Unit Shown 18m²



Typical DDA Studio Bedroom - 4 No. Unit Shown 27.8m²

Cluster Study Bedroom		
TYPE	Area	Quantity
TYPE 01	12.5m ²	160
TYPE 02	13.2m ²	17
TYPE 03	17.6m ²	1
TYPE 04	21.1m ²	1
TYPE 05	14.8m ²	11

Studio Bedroom		
TYPE	Area	Quantity
TYPE 01	18m ²	67
TYPE 02	20.6m ²	12
TYPE 03	29.2m ²	1
TYPE 04	18.9m ²	1
TYPE 06	31.0m ²	1

DDA Studio Bedroom		
TYPE	Area	Quantity
TYPE 01	26.5m ²	3
TYPE 02	27.8m ²	1

List of furniture:

1. double bed
2. desk
3. chair
4. wardrobe
5. shelving unit
6. potential chairs
7. kitchenette
8. table



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 Scale - 1:50 @A3

Rev	Date	Comment	Dr	Ch
PA05	29.09.21	Room quantum's updated inline with revised plans	DE	DT
PA04	12.09.21	General update	CI	CI
PA03	30.04.21	Scale note revised	DE	DT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

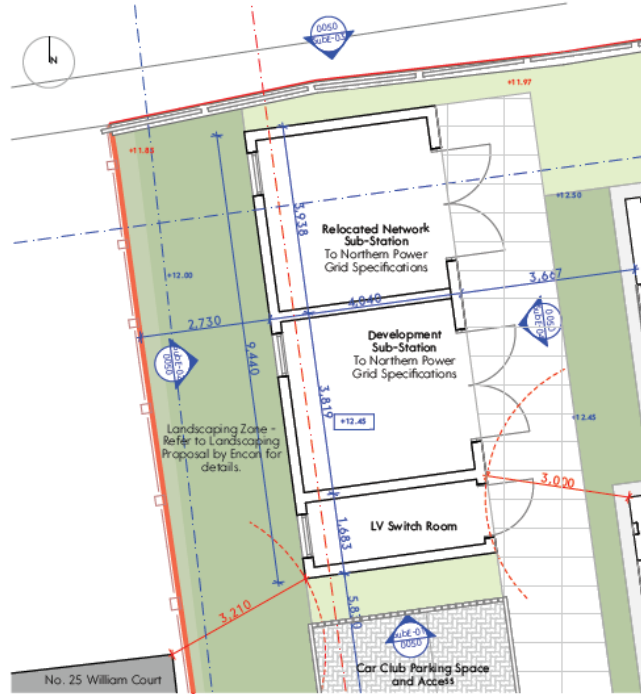
GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
OLYMPIAN

Typical Bedroom Types	
Name	2101-GWP-01-XX-DR-A-(PA)-0060
Scale	1:50@A3
Revision	PA05
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning

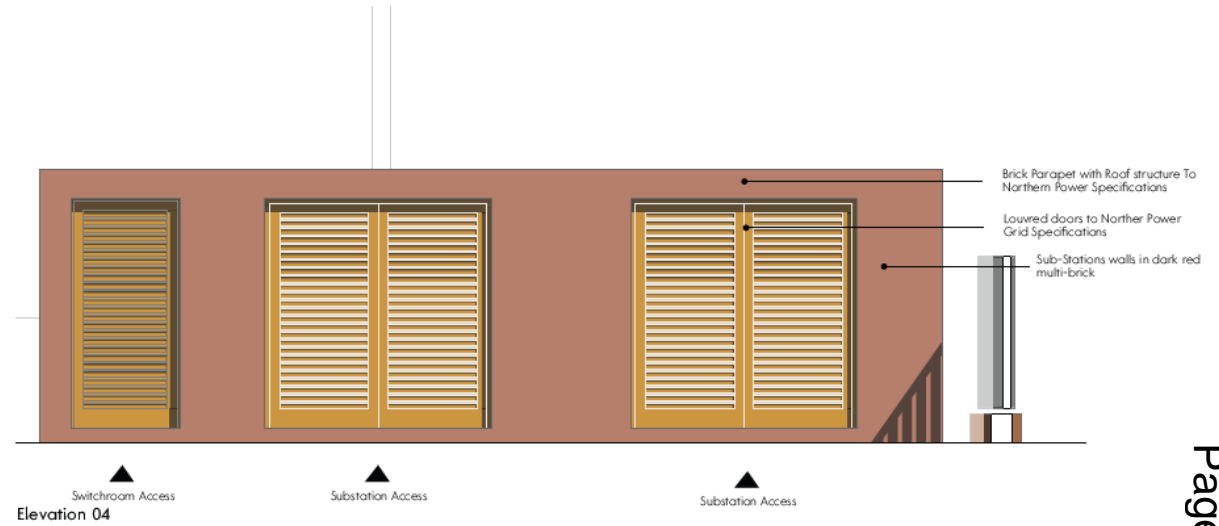


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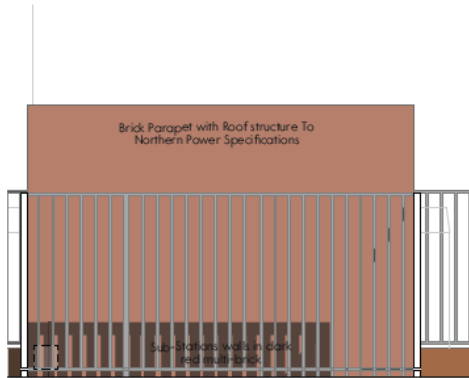
Proposed Sub Station



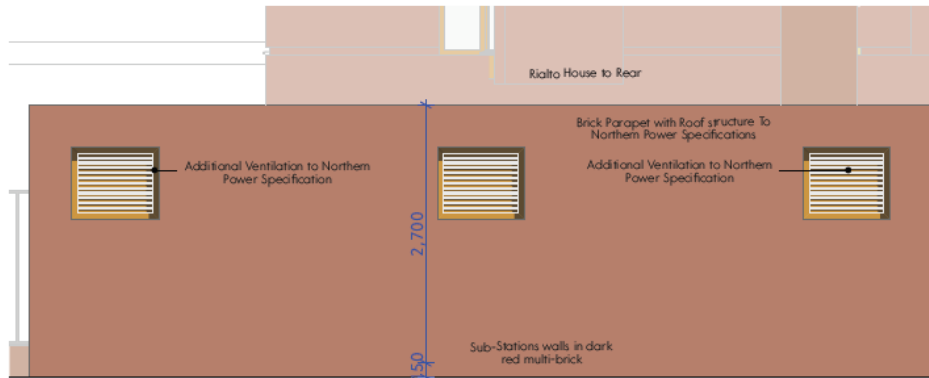
Sub-Station - Ground Floor Plan



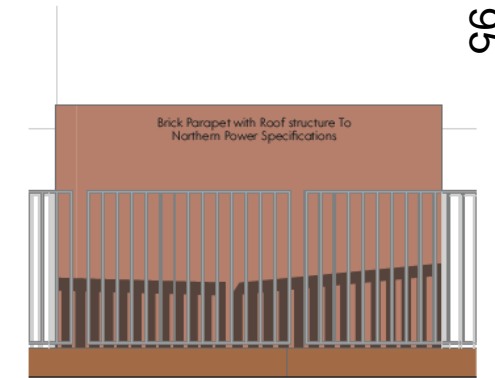
Elevation 04



Elevation 01



Elevation 02



Elevation 03



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Scale - 1:50 @A3

Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Minor Graphical Amendments	DE	KT
PA05	29.09.21	Updated to reflect design development	IF	DE
PA04	11.08.21	Substation location amended	IF	DE
PA03	30.04.21	Scale notes revised	DE	KT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

GWP Job Reference: (45)12101

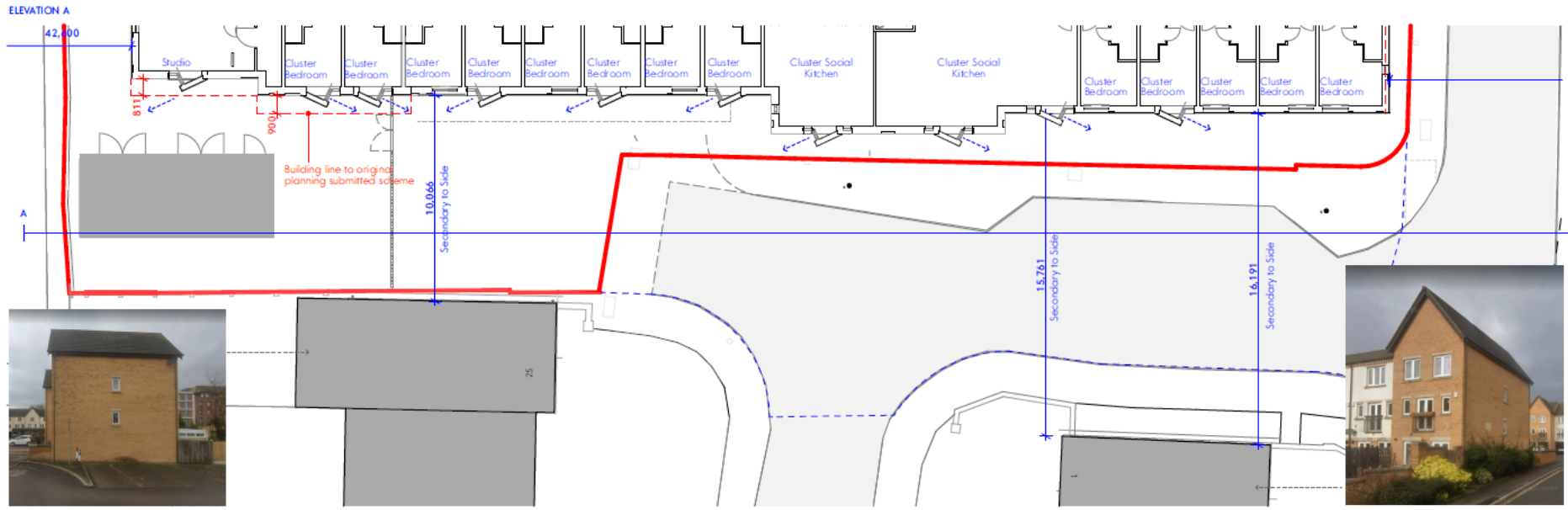
Rialto House, Fishergate, York

OLYMPIAN

Proposed Sub Station	
Name	2101-GWP-01-00-DR-A-(PA)-0050
Scale	1:50@A3
Revision	PA.06
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



William Court – Overlooking Study

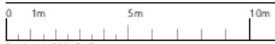


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Any discrepancies to be reported to the Architect.

- KEY:**
- Opaque
 - Transparent
 - Translucent windows set back behind louvers
 - Spandrel panel
 - Lowered service doors
 - Splayed Windows
 - Views from Splayed Windows



City of York Council Planning Committee Meeting - 2nd December 2021

Rev	Date	Comment	Dr	Ch
PA01	29.09.21	Updated to reflect plan on comment	IF	DE

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

William Court - Overlooking	
Name: 2101-GWP-01-XX-DR-A-(PA)-0062	Revision: PA01
Scale: 1:200@A3	First Issue: 31.08.21
Drawn/Checked: CT / DT	Drawing Status: D - Planning



Existing and Proposed Render (1)

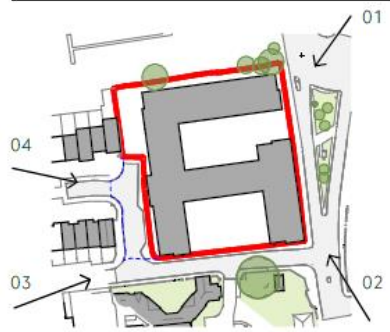


Existing View



Proposed View 01 Looking South From Fishergate Road

Key



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Contractors must verify all dimensions on the job before commencing any work or making shop drawings.

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will be returned to the Architect.



Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DI
PA03	24.09.21	Issued for comments - Draft issue	DE	DI
PA02	23.05.21	Revised to comments	DE	DI
PA01	18.06.21	First issue	DE	DI

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

Render 1	
Name: 2101-GWP-01-XX-VS-A-(PA)-0045	Revision: PA/04
Scale: N/A	Revision: PA/04
Drawn/Checked: DE / DI	First Issue: 18.06.21
Drawing Status: D - Planning	



Existing and Proposed Render (2)

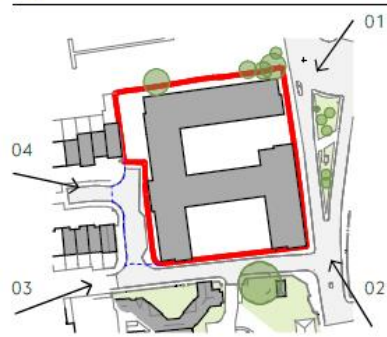


Existing View



Proposed View 02 Looking West Down Blue Bridge Lane

Key



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Corrections to be reported to the Architect.



Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DI
PA03	28.09.21	Issued for comments - Draft Issue	DE	DI
PA02	23.06.21	Revised to comments	DE	DI
PA01	18.06.21	First Issue	DE	DI

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York

Render 2	
Name: 2101-GWP-01-XX-VS-A-(PA)-0046	
Scale: N/A	Revision: PA.04
Drawn/Checked: DE / DI	First Issue: 18.06.21
Drawing Status: D - Planning	



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Existing and Proposed Render (3)

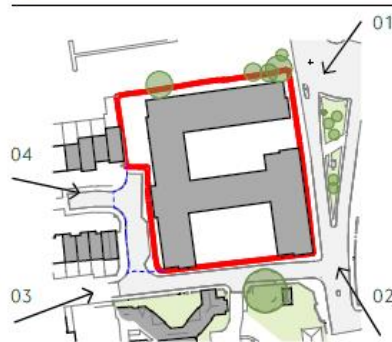


Existing View



Proposed View 03 Looking East Down Blue Bridge Lane

Key



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 As to the Architect:



Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DT
PA03	28.09.21	Issued for comments - Draft issue	DE	DT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

Render 3	
Name: 2101-GWP-01-XX-VS-A-(PA)-0047	
Scale: N/A	Revision: PA04
Drawn/Checked: DE / DT	First Issue: 18.04.21
Drawing Status: D - Planning	



Existing and Proposed Render (4)



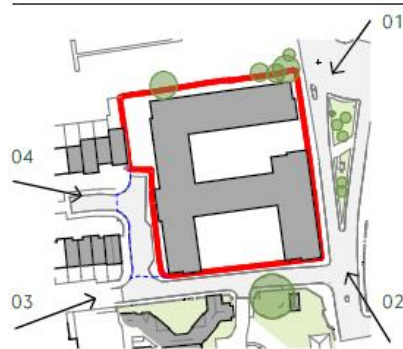
Existing View



Proposed View 04 Looking East From William Court

Page 100

Key



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in accordance with Building Regulations, the job before commencing any work or for scale off drawing. Do not rely on digital images.



Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DT
PA03	28.09.21	Issued for comments - Draft issue	DE	DT
PA02	23.08.21	Revised to comments	DE	DT
PA01	18.06.21	First issue	DE	DT

GMP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York



Render 4	
Name	2101-GWP-01-XX-VS-A-(PA)-0048
Scale	N/A
Revision	PA04
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



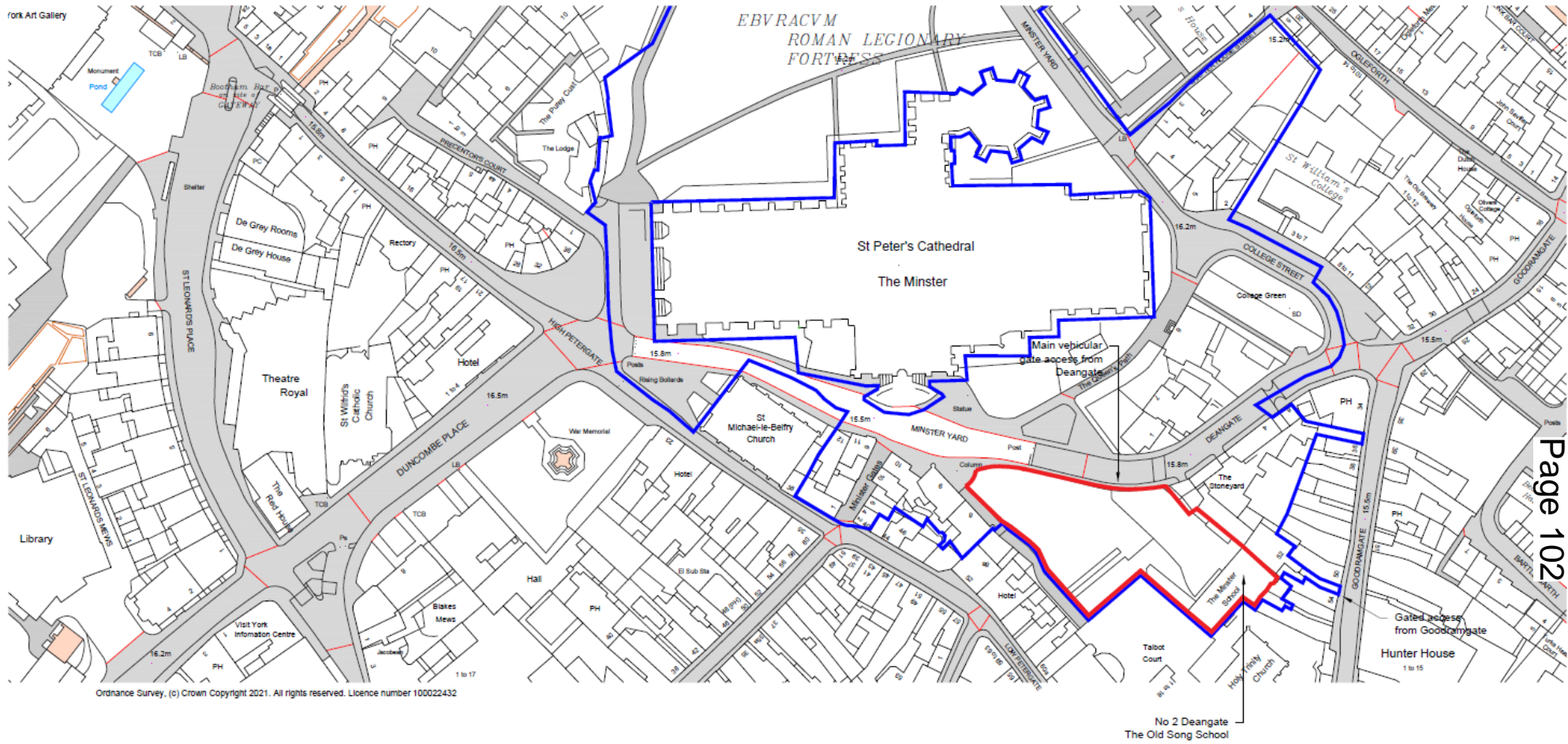
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21/01535/FUL and 21/01536/LBC - The Minster School, Deangate, York

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.

Site Location Plan

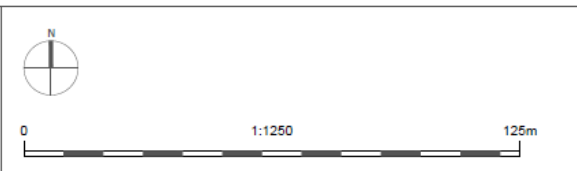


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No.	Date	Drn.	Chgd.	Description
01	15.06.21	ALS	ajs	OS Licence Updated, blue line boundary amended

Key Plan
— Old Song School (The York Minster Refectory)
— Ownership of Land



Stage 2 - For Planning		Not for construction	
CLIENT	York Minster	SCALE	1:1250 (A3)
PROJECT	The York Minster Refectory	DRAWN	NY
DRAWING TITLE	Site Location Plan	JOB NUMBER	122-3 (EX)000
		DRAWING NO.	2.01
		REVISION	

West Elevation and Site Frontage – View from Deangate



West Elevation –
View from Deangate
(2)



View toward North
Flank and Location of
Lift

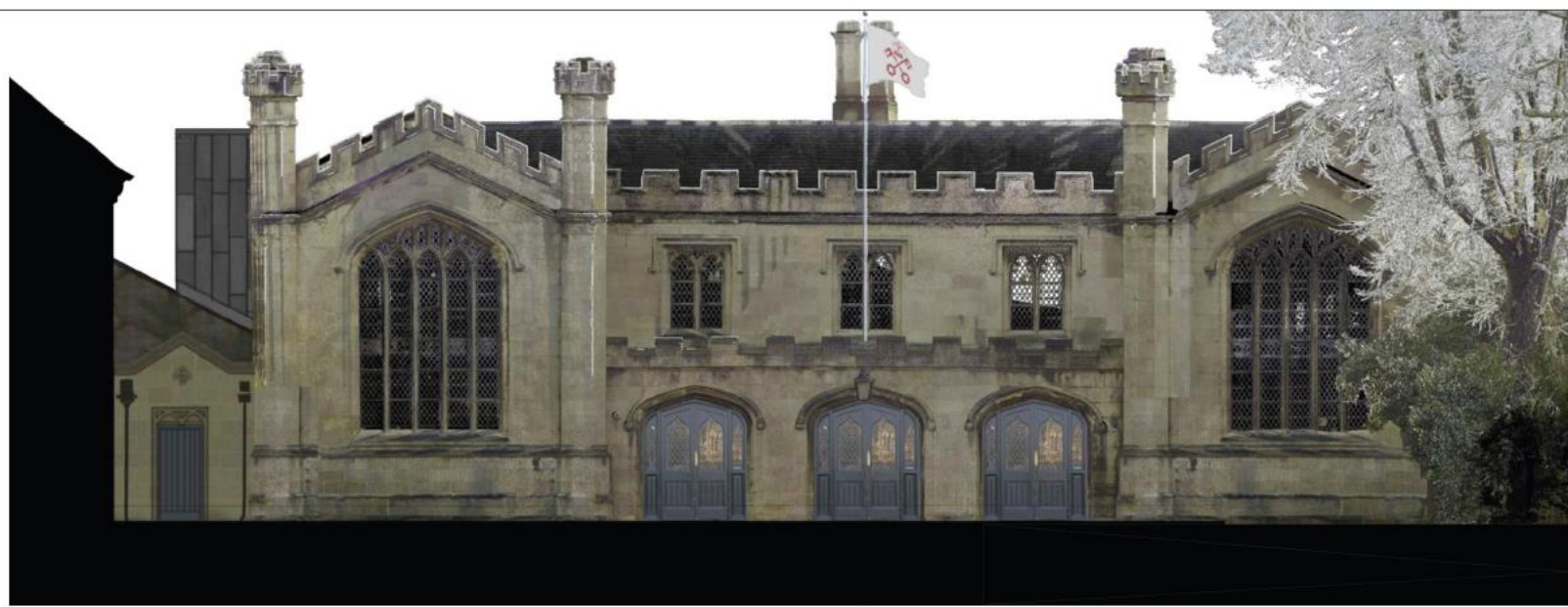


View toward York Minster



Page 106

Proposed West Elevation



West Elevation - Facing York Minster

Materials Key:

- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed refer to Drwg (GA) 200 for r
- 03 PV Slatess - refer to Drwg (GA) 200 for notes
- 04 Terme Coated (lead coloured) stainless steel clad
- 05 Painted timber doors and with leaded glazing, existing adapted
- 06 Chimneys - unused - existing
- 07 New painted timber boarded door in existing, adapted stone surround
- 08 Discrete LED downlights on slim stainless steel projecting arms
- 09 New flag pole on new brackets, replacing existing broken flag pole brackets
- 10 Existing windows, glazing, lead comes and opening lights all refurbished
- 11 Existing lantern and bracket refurbished / replaced with new



Rev.	Date	Drn.	Chkd.	Description
2.01	11.05.21	AJS	ajs	Photomontage updated
2.02	17.05.21	AJS / NY	ajs	Side door amended, photomontage updated
2.03	16.11.21	AJS	ajs	Note 2 and 3 amended - PV slates in lieu of PV panels, West Elevation and visual amended to suit.

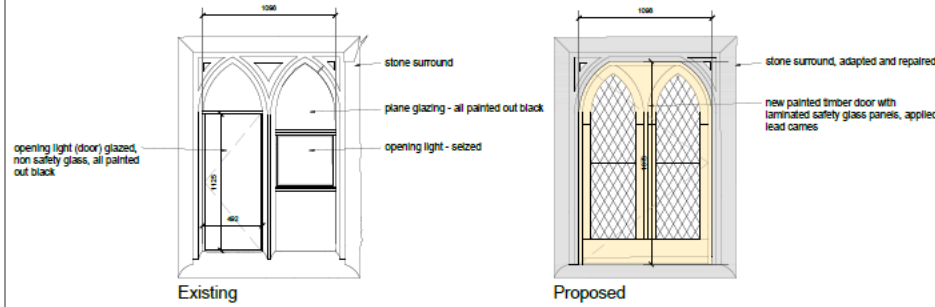


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 Note that this drawing is based on dimensional surveys by others, therefore the verification of dimensional information is particularly important.
 Read in conjunction with other information from CAI, and other consultants.
Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	York Minster	SCALE	1:50 (A1) / 1:100 (A3)
PROJECT	The York Minster Refractory	DRAWN	AJS
DRAWING TITLE	West Elevation (Main)	JOB NUMBER	122-3 (GA)400
As Proposed		DRAWING NO.	2.03



Proposed East Elevation



05 Existing Fire Escape Window Adaptation, 1:20

Materials Key:

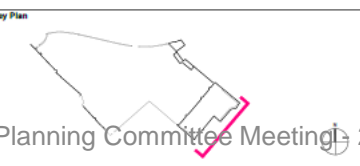
- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed, refer to Drwg (GA) 200 for notes
- 03 PV Slates - refer to Drwg (GA) 200 for notes
- 04 Terre Coated (lead coloured) stainless steel clad lift shaft
- 05 Existing Fire Exit Window - adapted to Fire Exit Door - refer to detail
- 06 Chimneys - unused - existing
- 07 New Supply and extract terminals flush with slates, colour to match slates
- 08 PPC Aluminium louvre, colour as cladding
- 09 Galvanised ladder with mansafe channel and pop up safety post
- 10 Fall restraint post
- 11 Kitchen extract, filters and attenuation
- 12 Existing windows, glazing, lead comes and opening lights all refurbished
- 13 Stone Slate - roof renewed on like for like basis with new build up
- 14 New bulkhead lights - in existing locations
- 15 New cast aluminium rainwater goods replacing defective existing cast iron and plastic rainwater goods
- 16 Galvanised Fire Escape Stair - existing retained
- 17 New emergency floodlight replacing existing in existing location
- 18 PPC aluminium rwdp and hopper, colour to match cladding
- 19 Screen - 1.8m high



East Elevation - Facing Holy Trinity Church



Rev.	Date	Drn.	Chkd.	Description
1.01	17.06.21	AJS	ajs	Notes added
2.02	16.11.21	AJS	ajs	Note 2 and 3 amended - PV slate in lieu of PV panels, East Elevation amended to suit.DRWG PREFIX CORRECTED



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 Read in conjunction with other information from CAL and other consultants.
Notes:

Stage 2 - For Planning Not for construction

CLIENT	SCALE	DATE
York Minister	1:50 + 1:20 (A3) / 1:100 (A3)	11.05.21
PROJECT	DRAWN	CHECKED
The York Minister Refectory	AJS	ajs
DRAWING TITLE	JOB NUMBER	REVISION
East Elevation (Church Yard)	122-3 (GA)401	2.02
As Proposed		

CAROE ARCHITECTURE
 GAROE ARCHITECTURE LTD
 OFFICE 5, SHARPS, 23-27 BRIDGE STREET
 CAMBRIDGE CB2 3RQ
 TEL: 01223 472 237
 WWW.CAROE.COM

Proposed North and South Elevations

Materials Key:

- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed, refer to Drwg (GA) 200 for notes
- 03 Existing Opening Roof Lights - refurbished / replaced in existing openings
- 04 Terme Coated (lead coloured) stainless steel clad lift shaft
- 05 New lead 'dormer' for kitchen extract routing on 'blind side' of existing roof
- 06 Discrete LED downlights on slim stainless steel projecting arms
- 07 New extract terminal in existing locations
- 08 Existing SVP
- 09 Galvanised ladder with mansafe channel and pop up safety post
- 10 Fall restraint post
- 11 Kitchen extract, filters and attenuation
- 12 Existing windows, glazing, lead cames and opening lights (to be sealed) all refurbished - * Opaque privacy film to inside face - extent as shown
- 13 Stone Slate - roof renewed on like for like basis
- 14 Existing lead RWDP and hopper - repaired
- 15 New cast aluminium rainwater goods replacing defective existing cast iron and plastic rainwater goods
- 16 Galvanised Fire Escape Stair - existing retained
- 17 New emergency floodlight replacing existing in existing location
- 18 New door in place of existing window
- 19 Solid acoustic barrier - 1.8m high
- 20 Internal floor level raised locally
- 21 External levels raised - refer to Landscape proposals
- 22 New slot drain to perimeter at junction with building
- 23 Existing window - currently concealed by masonry - opened up and adapted
- 24 Existing wall mounted light replaced with new equivalent
- 25 Existing window and section of wall removed for lift
- 26 Existing plasterboard ceiling removed and replaced with new



South Elevation - Facing Gardens



North Elevation - Facing Stone Yard



Rev.	Date	Drn.	Chkd.	Description
1.01	15.06.21	AS	ajp	Roof plant amended
2.02	16.11.21	AS	ajp	Note 2 amended



General notes:
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 Note that this drawing is based on dimensional surveys by others, therefore site verification of dimensional information is particularly important.
 Read in conjunction with other information from CAL and other consultants.
Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	York Minister	SCALE	1:50 (A1) / 1:100 (A3)
PROJECT	The York Minister Refectory	DRAWN	13.06.21
		CHECKED	
		DATE	
DRAWING TITLE	North Elevation / Section (Facing Stoneyard)	DOS NUMBER	122-3 (GA)402
	As Proposed	DRAWING NO.	2.02
	Roof plant amended	REVISION	
		CAROE ARCHITECTURE LTD OFFICE 1, Unit 8, 25-26 Moor St CAMBRIDGE CB2 3RQ TEL: 01223 477783 WWW.CAROE.COM	

Proposed Sections



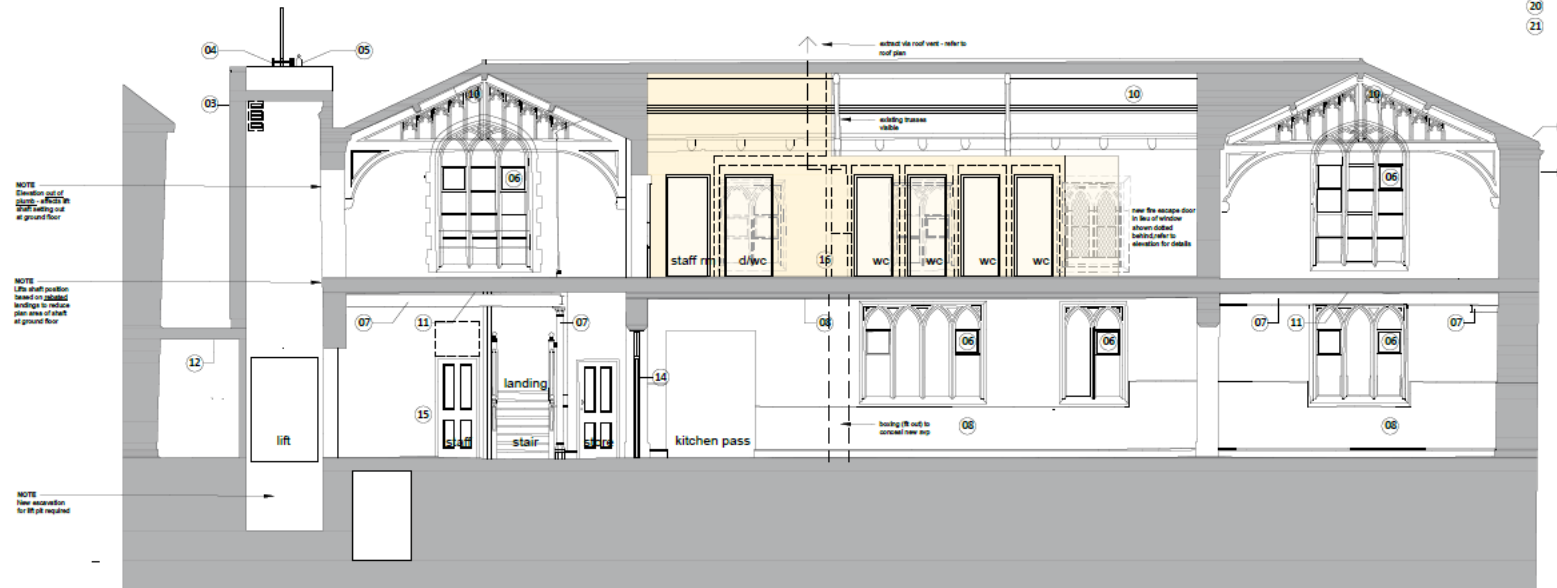
Section B-B, Proposed



17 Entrance Screen Door - Modified for Level Access, approx 1: 20 @ A1

Materials Key:

- 01 Roof renewed - refer to Draw (GA) 200 for notes
- 02 Stone - Ashlar, Limestone - existing
- 03 Terme Coated (lead coloured) stainless steel clad lift shaft
- 04 Galvanized ladder with mansafe channel and pop up safety post
- 05 Fall restraint post
- 06 Existing windows, glazing, lead cames refurbished - safety film to be applied to in lieu of existing glass replacement where necessary
- 07 Existing exposed steelwork - to receive intumescent paint fire protection
- 08 Existing timber wainscot paneling, dado and skirtings
- 09 Existing plasterboard ceiling tiles removed and replaced with 2 layers fire rated plasterboard
- 10 Existing lath and plaster skirtings
- 11 Allowance for overboarding ceiling with fire rated plasterboard
- 12 Existing plasterboard ceiling removed and replaced with new
- 13 Existing suspended ceiling tiles removed, lath and plaster ceiling reinstated
- 14 New FR rated glazed door and screen - details tbc in Fit Out
- 15 Existing opening (no door) with existing glazed fan light - fan light removed and infilled, new FR door
- 16 New staff and customer facilities - timber stud and plasterboard construction, new timber doors - details tbc in Fit Out
- 17 Existing glazed doors and screens - retained and adapted to suit new levels providing level access
- 18 Internal stone flags raised and reinstated at higher level to provide level access. Some new paving required to replace worn and broken, including at worn thresholds, to minimise trip hazards.
- 19 External levels raised - refer to Landscape proposals
- 20 New slot drain to perimeter at junction with building
- 21 New flag pole and associated brackets



Section A-A, Proposed

General Note - Roof repairs:
~~Note Removed~~
 Refer to (GA) 200 - Roof Plan as Proposed



Rev.	Date	Des.	CHKD.	Description
2.02	16.06.21	AS	ajh	Notes amended
2.02	16.11.21	AS	ajh	Note 1 amended, General Roof Note removed

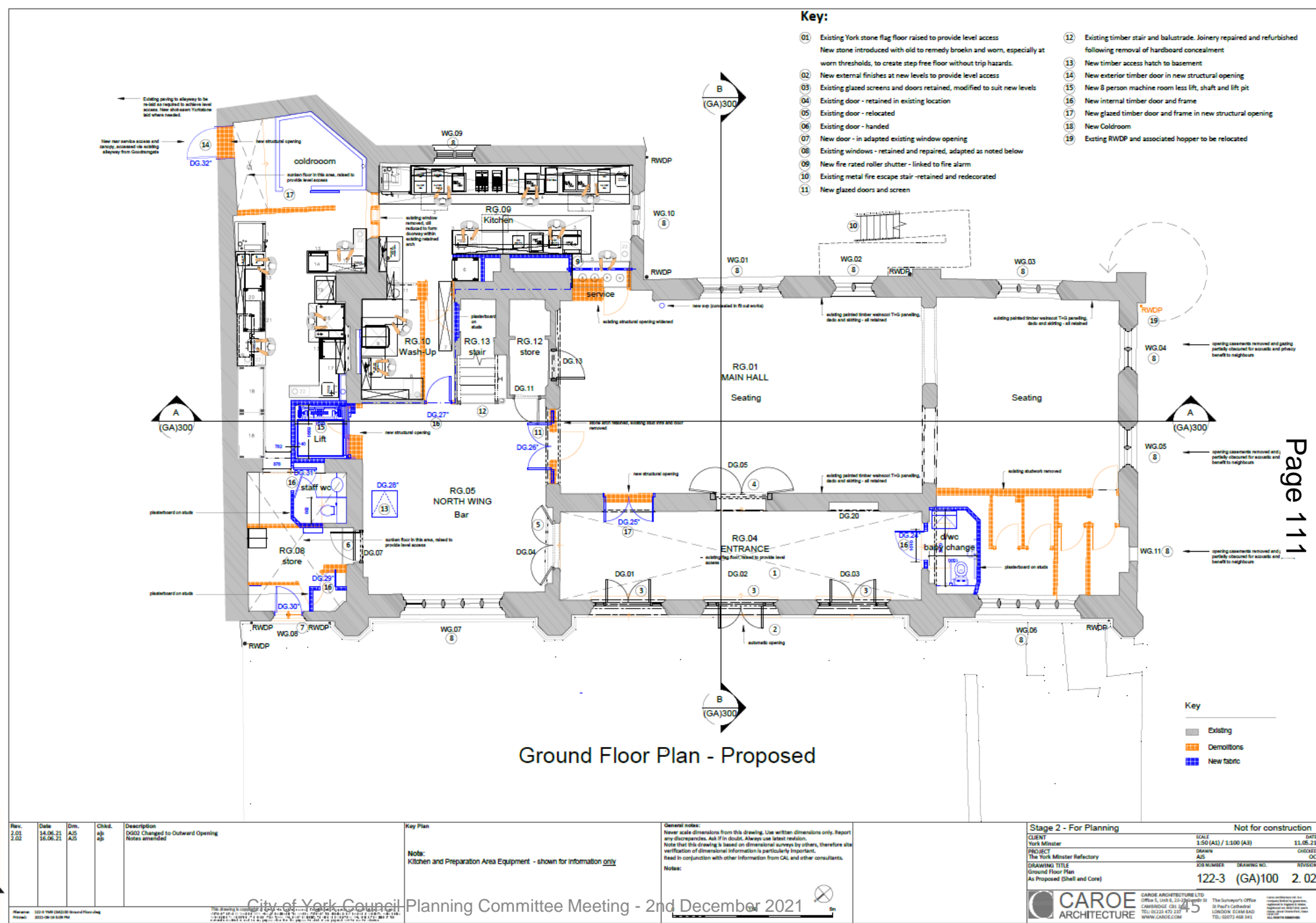
Key Plan



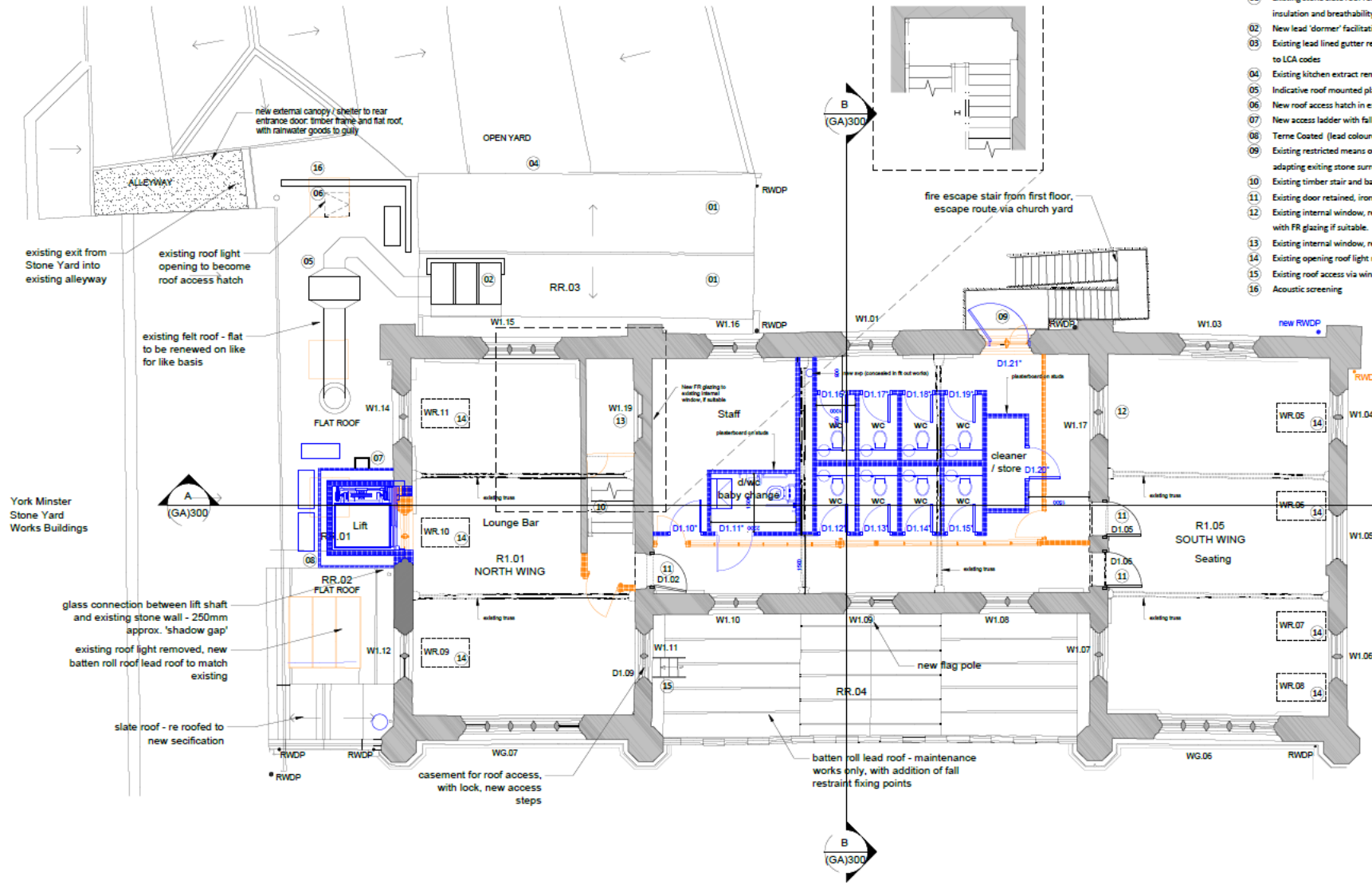
General notes:
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 Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	York Minister	SCALE	1: 50 @ A3, 1:100 @ A3
PROJECT	THE YORK MINISTER REFECTORY	CHECKED	14.06.21
DRAWING TITLE	Section A-A and Section B-B, Proposed, Entrance Door Detail	DRAWN	OC
		JOB NUMBER	122-3 (GA) 300
		DRAWING NO.	2.02

Proposed Ground Floor Plan



Proposed First Floor Plan



- Key:**
- 01 Existing stone slate roof renewed on like for like basis with enhanced insulation and breathability
 - 02 New lead 'dormer' facilitating new kitchen extract ductwork
 - 03 Existing lead lined gutter renewed on like for like basis, with falls adapted to LCA codes
 - 04 Existing kitchen extract removed - refer to demolition drawing
 - 05 Indicative roof mounted plant - refer to M+E Consultant information
 - 06 New roof access hatch in existing roof light opening
 - 07 New access ladder with fall arrest glidelock system
 - 08 Terne Coated (lead coloured) stainless steel clad lift shaft and roof
 - 09 Existing restricted means of escape via small window, improved by adapting existing stone surround to means of escape glazed door
 - 10 Existing timber stair and balustrade
 - 11 Existing door retained, ironmongery, closers and seals upgraded
 - 12 Existing internal window, retained, restored and revealed and adapted with FR glazing if suitable.
 - 13 Existing internal window, retained, restored and revealed to stairs
 - 14 Existing opening roof light retained and overhauled
 - 15 Existing roof access via window - retained
 - 16 Acoustic screening

Page 112

First Floor Plan - Proposed

- Key**
- Existing
 - Demolitions
 - New fabric



Rev.	Date	Dim.	Chd.	Description
2.01	15.06.21	AS	ajp	Roof plant revised, noted amended

Key Plan

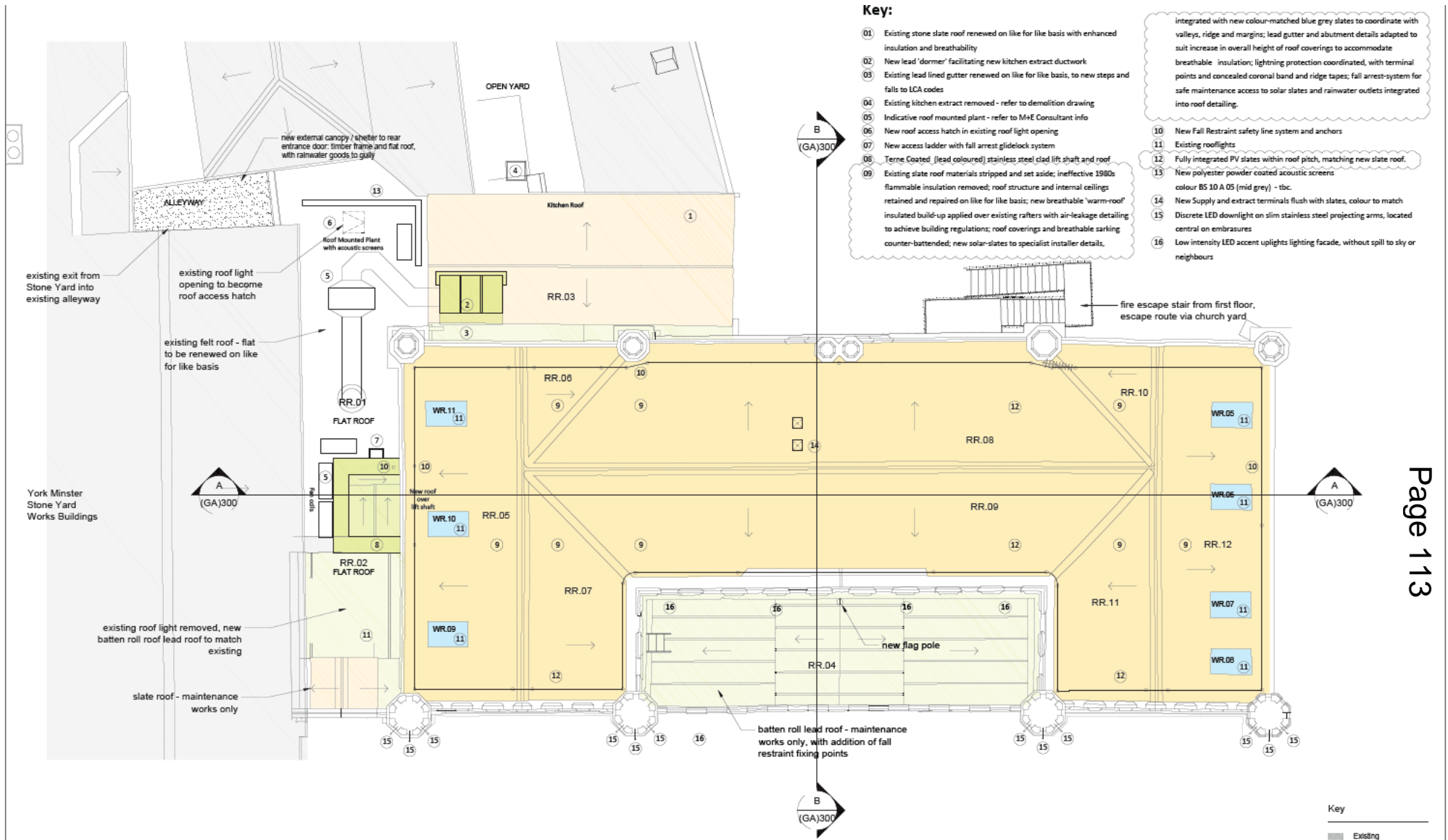
General notes:
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 Note that this drawing is based on dimensional surveys by others, therefore site verification of dimensional information is particularly important.
 Read in conjunction with other information from CAI and other consultants.
 Notes:

Stage 2 - For Planning Not for construction

CLIENT	SCALE	DATE
York Minster	1:50 (A3) / 1:100 (A3)	11.05.21
PROJECT	DRAWN	CHECKED
The York Minster Refectory	AS	OC
DRAWING TITLE	JOB NUMBER	REVISION
First Floor Plan	122-3 (GA)101	2.01
As Proposed		



Proposed Roof Plan



Roof Plan - Proposed



Rev.	Date	Drn.	Chkd.	Description
2.02	17.09.21	AIS	ais	Roof plan amended, notes added
2.02	15.11.21	AIS	ais	Type of PV system changed to fully integrated PV slates. Notes 9 and 12 amended.

Key Plan
Existing

General notes:
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 Note that this drawing is based on dimensional surveys by others, therefore site verification of dimensional information is particularly important.
 Read in conjunction with other information from CAI and other consultants.

Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	YORK MINSTER	SCALE	1:50 (A1) / 1:100 (A3)
PROJECT	The York Minster Refectory	DRAWN	AKS
DRAWING TITLE	Roof Plan As Proposed	CHECKED	AKS
ISS NUMBER	122-3 (GA)200	REVISION	2.02

Proposed Landscape Plan



- Notes**
- All dimensions in mm, unless otherwise stated.
 - Scaling from drawing if plotted incorrectly may lead to errors.
 - All information outside red line boundary shown for context purposes only. All hatch patterns are indicative only unless stated otherwise. This drawing is to be read in conjunction with all relevant documentation from the design team.
 - Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information.
 - Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information. Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information.
- any products shall be installed in strict accordance with manufacturers written instructions, see consultants' drawings and specifications having design information: as details, rise and/or sub bases design & specification setting of any elements, Drainage design and infrastructure and ducting, A proposed outline, sites are to suit site areas in accordance with plant details, of plant substitution shall be agreed with the architect prior to ordering.

- Key**
- Planning application boundary
 - Existing building
 - Coursed Yorkstone paving with contrast banding
 - Resin bound gravel surfacing
 - Proposed flush kerb
 - Bike stands
 - Bench with backrest
 - Fixed seats
 - Existing railings and low wall
 - Proposed railings and low wall (relocating existing to be removed)
 - Proposed screen to bin store
 - New/relocated gates to match railings
 - Proposed levels
 - Existing levels
 - Existing trees to be retained
 - Proposed tree in soft landscape
 - Proposed box headed tree
 - Proposed espalier trained fruit tree
 - Proposed grass
 - Proposed planting Refer to planting strategy 0876-RFM-XX-00-DR-L-0004
 - Moveable planters 750mm high Refer to planting strategy 0876-RFM-XX-00-DR-L-0004
 - Proposed hedge planting Refer to planting strategy 0876-RFM-XX-00-DR-L-0004
 - Proposed climbers to wall Refer to planting strategy 0876-RFM-XX-00-DR-L-0004
 - Indicative table location Layout and size to operator specification
 - Low lighting bollard to central route
 - Bicycle repair station

Date	Description of revision	Rev	By	Check	Approved/Author
08/07/20	Issued following discussion with	PL	PL	GD	PLSD
03/06/21	Issued for RFP	REV	PL	GD	PLSD

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Project
YORK MINSTER REFECTORY AND MINSTER YARD
RF20-876

Client
YORK MINSTER

Document title
ILLUSTRATIVE LANDSCAPE GENERAL ARRANGEMENT PLAN

Paper size
A1

Scale
1:200

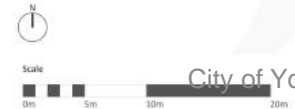
Status
FOR REVIEW AND COMMENT

Revision
53

Drawing number
0876-RFM-XX-00-DR-L-0001

Revision
PL02

© re-form landscape architecture



Proposed Landscape Sections



0002 Section/elevation: axial route looking towards Stoneyard
01 1:100

- Notes**
1. All dimensions in mm, unless otherwise stated.
 2. Scaling from drawing if printed incorrectly may lead to errors.
 3. All information outside red line boundary shown for contextual purpose only.
 4. This drawing is to be read in conjunction with the following re-form landscape architecture documentation:
 - OS76-RFM-XX-00-01-L-0001: General Arrangement Plan
 5. AND all relevant documentation from the design team.
 6. Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information.
 7. Any discrepancies in the design information are to be brought to the attention of re-form landscape architecture, in writing, prior to commencement of construction works.



0002 Section/elevation: axial route looking towards High Petergate
02



0002 Section/elevation: public green space looking towards the Refectory
03 1:100



Section location plan 1:500



0002 Section/elevation: external dining space looking towards the Refectory
04 1:100



27/09/22	Revision of plan to R002-03 amended PL	PL	ED	PL02
15/09/22	Planning case	PL	ED	PL01
Date	Description of revision	By	Checked	Approved/Reviewed by

re-form
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Project
THE REFECTORY, YORK MINSTER
RF20-876

Client
YORK MINSTER

Document title
ILLUSTRATIVE LANDSCAPE SECTIONS

Paper size
A1

Status
FOR REVIEW AND COMMENT

Drawn by
40
0876-RFM-XX-00-D8-4-0002

© re-form landscape architecture

Scale
1:200

53

Revision
PL02



Example of PV Slates

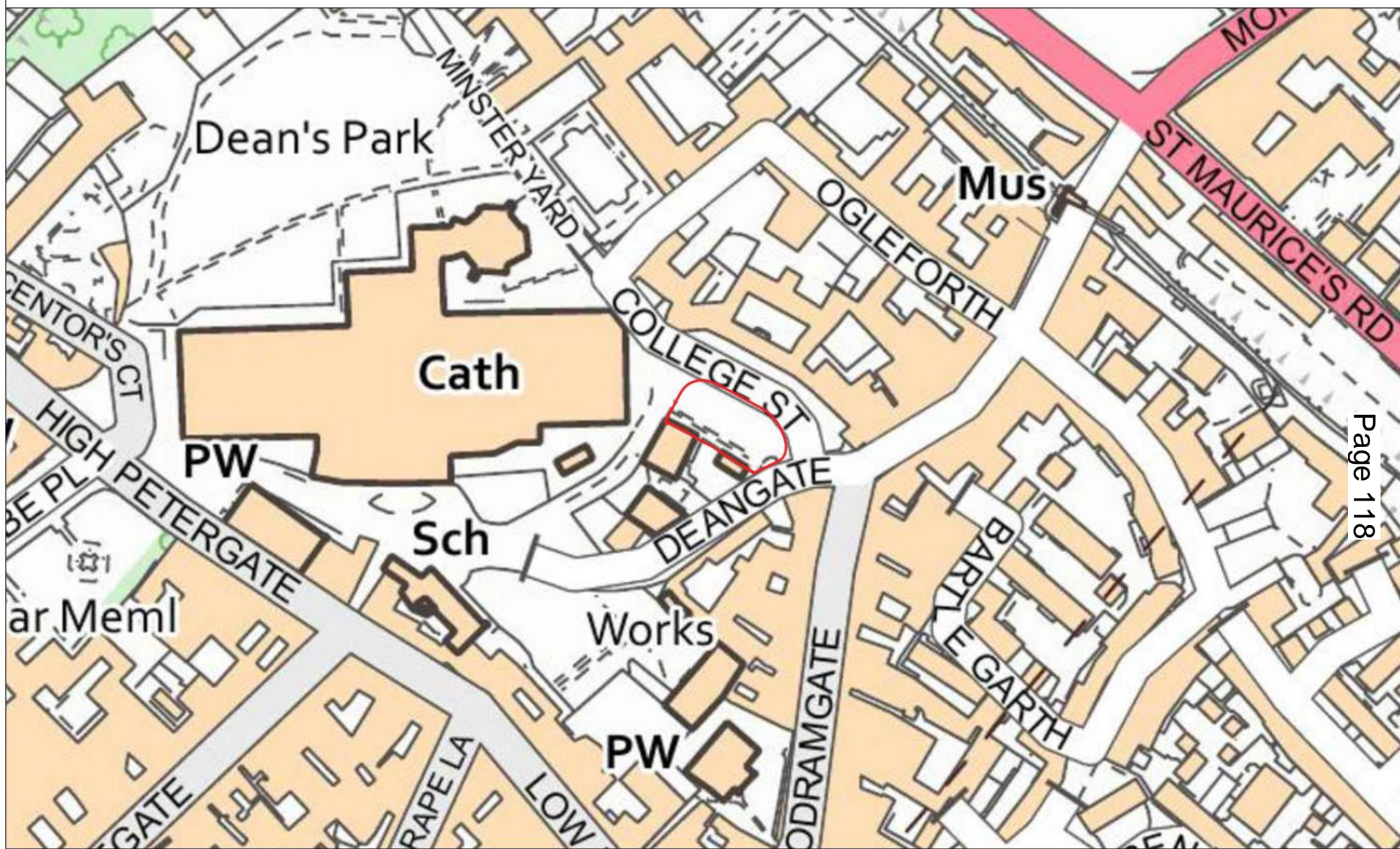


Page 116

21/01980/FUL – College Green, Minster Yard, York

Landscaping works including provision of seating and stepping stones

Site Location Plan



Page 118



Project: College Green, York		Client: York BID & Bloom	
Title: Location Plan		Drawn: LW	Apr'18
Drawing Number: PWP 449 001	Revision: 00	Drawing Scale: 1:1250 @ A3	

00	180201	FOR PLANNING	LW	LW	SH
Rev	Date	Detail	Made	Checked	Approved

- Notes:**
1. Not for construction all dimensions to be confirmed on site
 2. Based OS_VectorMap_Local_Raster_696210_904677_1_10000
 3. Refer to architects/engineers drawing for hard landscape, boundary treatments, site levels, drainage, retaining walls.
 4. Build up soffits to engineers specification.
 5. Contractor to be fully satisfied with locations of services prior to excavations.
 6. All existing trees to be protected to BS 5837.



PWP Design Ltd
 Unit 1, Whitley Court
 Pool Road
 Oley
 LS21 1FR
 0113 4572508
 info@pwpdesign.co.uk



College Green – View
North West



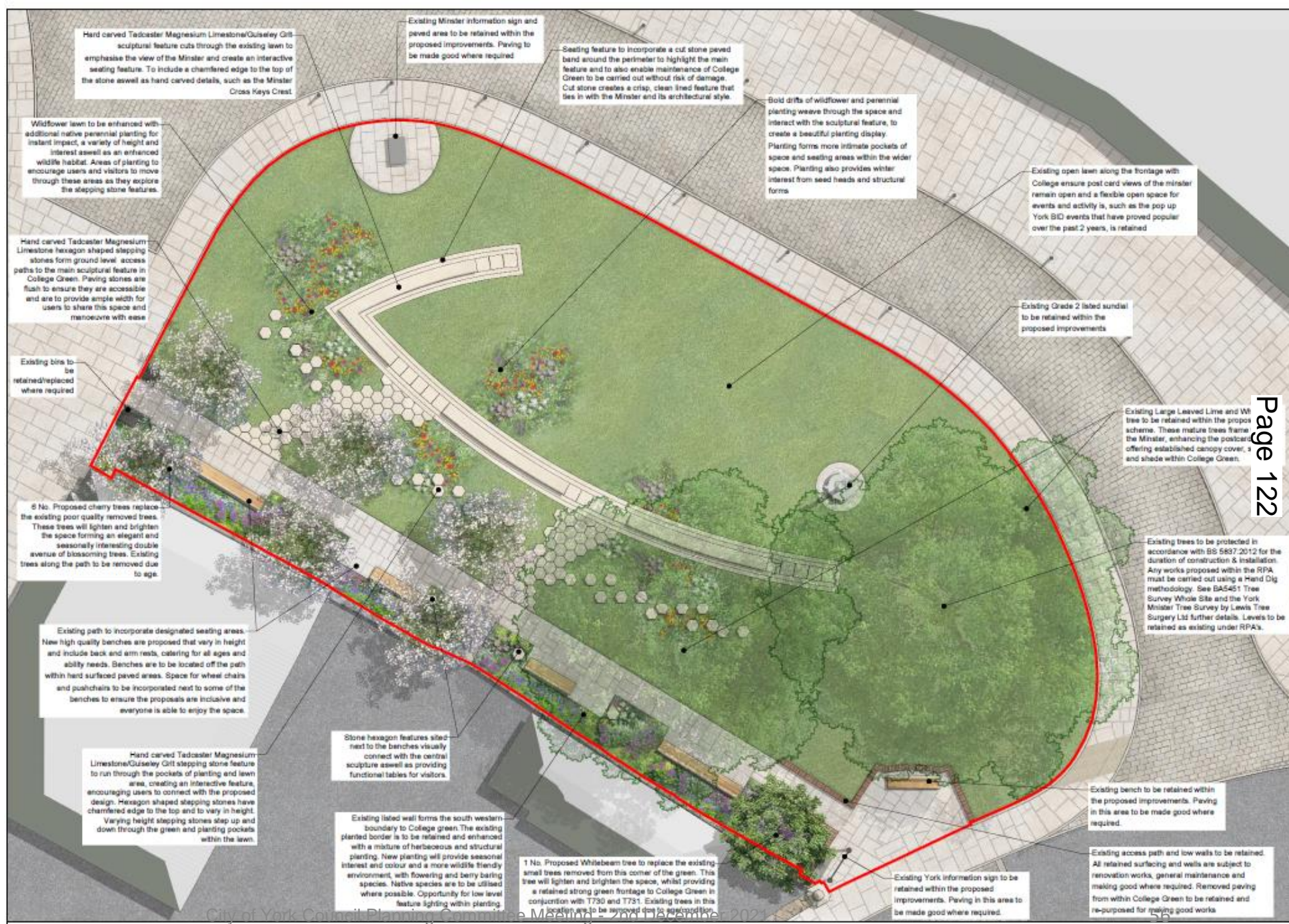
College Green/St
Williams College – View
North East



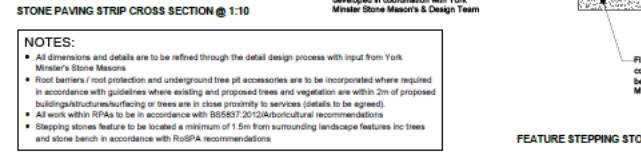
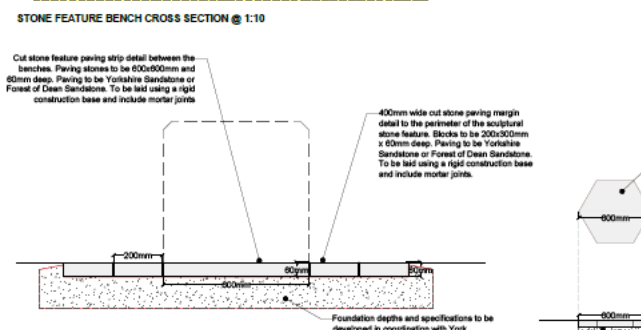
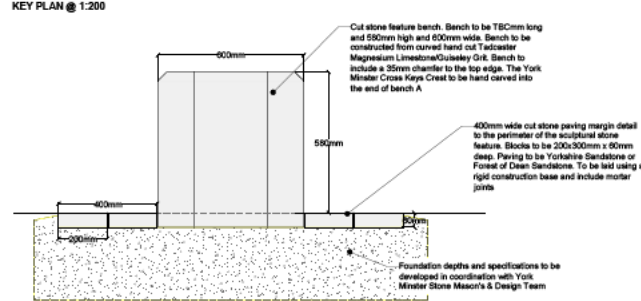
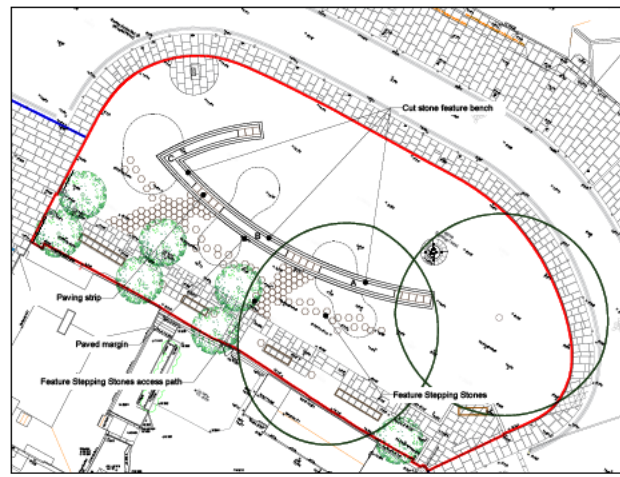
Existing Footpath – View
Toward
Goodramgate/Deangate



Proposed Illustrative Landscaping



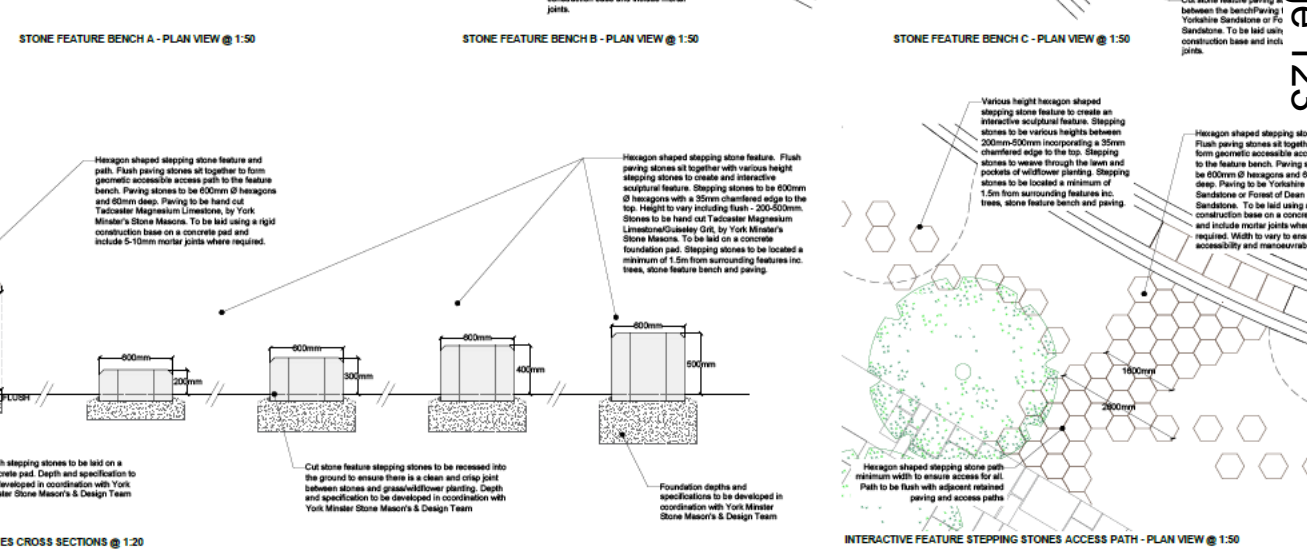
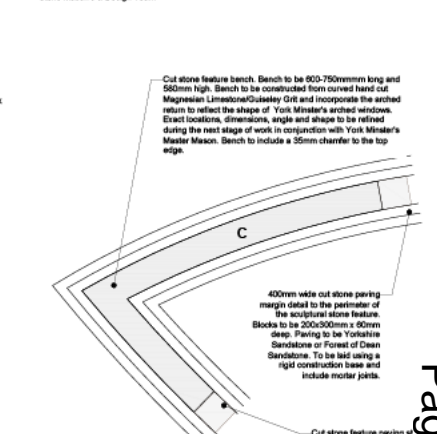
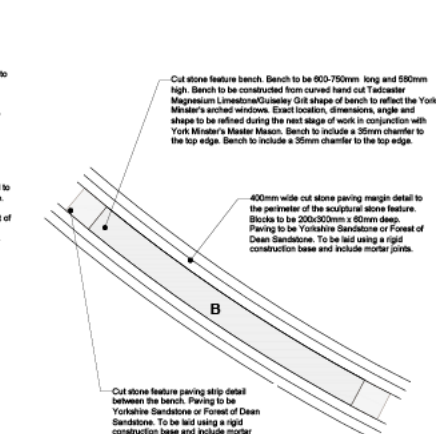
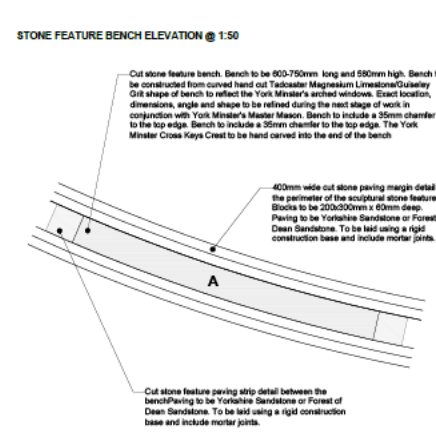
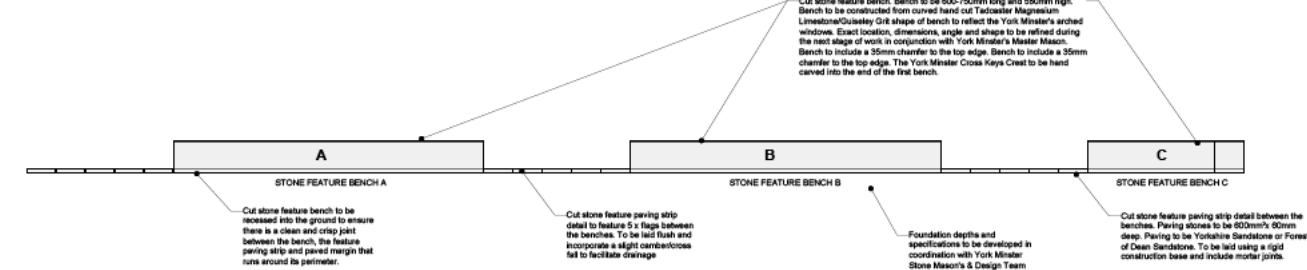
Proposed Plans and Sections



NOTES:

- All dimensions and details are to be refined through the detail design process with input from York Minster's Stone Masons
- Road barriers / foot protection and underground fire pit accessories are to be incorporated where required in accordance with guidelines where existing and proposed trees and vegetation are within 2m of proposed buildings/structures/surfacing or trees are in close proximity to services (details to be agreed)
- All work within RPA's to be in accordance with BS5857:2012:3A (soil/cultural) recommendations
- Stepping stone feature to be located a minimum of 1.5m from surrounding landscape features inc trees and stone bench in accordance with ROSPA recommendations

Project:	College Green, York	Client:	York BID & Bloom
Title:	Proposed Illustrative Sections & Details	Drawn:	LW
Drawing Number:	PWP 449 004	Checked:	LW
Revision:	03	Approved:	SH
Drawing Scale:	VARIES @ A1	Date:	23/10/21
Revision:	03	Date:	23/10/21



NOTES:

- Not for construction all dimensions to be confirmed on site.
- Based on PWP 449 003 Outline Landscape Masterplan & Topographical Survey QD 1371 / 01 by Russell Geomatics Ltd
- Refer to architects/engineers drawing for site levels, drainage, retaining walls, services and utilities.
- Sitec upstandings to engineers specification
- Location of services to be confirmed by utility data prior to installation of any planting
- All existing trees to be protected to BS 5837.

Project:	College Green, York	Client:	York BID & Bloom
Title:	Proposed Illustrative Sections & Details	Drawn:	LW
Drawing Number:	PWP 449 004	Checked:	LW
Revision:	03	Approved:	SH
Drawing Scale:	VARIES @ A1	Date:	23/10/21
Revision:	03	Date:	23/10/21



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COMMITTEE REPORT

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

Reference: 21/01605/FULM
Application at: Mecca Bingo 68 Fishergate York YO10 4AR
For: Demolition of existing buildings and redevelopment of the site to form 276no. room purpose built student accommodation with associated car parking, landscaping and facilities
By: Petrina Ltd And Grantside (North Star West) Ltd
Application Type: Major Full Application
Target Date: 14 October 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application site currently accommodates a bingo hall with car parking, dating from 2002. The building covers the south section of the site. There is an open car park on the north side. Vehicle access is from William Court.

1.2 To the north of the site is the car park associated with the Novotel. William Court to the west is a cul-de-sac of 3-storey houses. Fishergate House, a residential development set within landscaping and car parking is to the south. The 1837 house, which is setback from Fishergate, is Grade II listed. Buildings on the opposite side of Fishergate are 2-storey and 3-storey in height. Directly opposite is Fishergate School, Grade II listed.

1.3 The site is immediately south of the city centre, as defined on the 2018 Draft Local Plan proposals map. The Central Historic Core Conservation Area lies to the east. The Conservation Area was extended south, to include the Fishergate area, following recommendations in the Central Historic Core Conservation Area Appraisal by Alan Baxter Associates 2011. The application site, the Novotel development and contemporary houses were redeveloped in the late 20th century (replacing the glassworks which historically occupied the site), and are excluded from the conservation area.

1.4 The site is within the City Centre Area of Archaeological Importance. It is not in Flood Zone 2 or Flood Zone 3.

Proposals

1.5 The application is to redevelop the site for purpose built student accommodation. The development would provide 276 student rooms; a mix of cluster flats and studios. There would be ground floor communal facilities in the wing fronting Fishergate. There are 5 car parking spaces (including a car club space and accessible spaces) and service access on the William Court side of the site. The layout provides two landscaped courtyard areas, which will be evident from Fishergate and Blue Bridge Lane. The scheme is 4-storey but designed to appear as 3-storey with the top floor concealed behind pitched roofs and projecting front gables.

2.0 POLICY CONTEXT

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

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable travel
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

2.3 The Publication Draft City of York Local Plan 2018 ('2018 eLP') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF its 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.

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP3 Sustainable Communities

D1 Place-making

D6 Archaeology

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV5 Sustainable Drainage

H7 Student Housing

HW1 Protecting Existing Facilities

T1 Sustainable Access

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development - Archaeology

3.1 Officers have recommended a condition requiring a programme of mitigation, to involve excavation and public engagement.

3.2 The site is within the Central Area of Archaeological Importance and known to contain significant archaeological features and deposits from all periods despite being developed since the 19th century. The site was evaluated in 1994 (by YAT) with further evaluation and excavation (by FAS) in the early 21st century ahead of the construction of the bingo hall. These investigations were limited in the northern half of the site due to the extant Rialto Cinema at the time.

3.3 The layout of the proposed building has been driven by above-ground constraints and design guidance. Unfortunately, the design does not utilise the areas previously excavated as much as it might have done if archaeologically led. The proposed foundation design / pile caps will impact upon the remains of the cinema, medieval and potentially earlier pockets of archaeology within the northern half of the site. In the southern half the pile caps will impact upon significant archaeological deposits preserved as part of the Mecca Bingo construction.

3.4 The impact will include areas identified during previous investigations as potentially containing archaeology dating to the Anglian period. The archaeology relating to the Anglian period has been identified as of national significance, the resource relating to other periods across the site has not. However the known Anglian archaeology on the Mecca Bingo site is also not of the same quality or quantity as the excavated glassworks site immediately to the north of this site in the mid-1980s.

3.5 Implementation of the scheme will further divide and penetrate the remaining archaeology, particularly in the southern part of the site. Any legibility of deposits preserved in-situ will be compromised and the resource is likely to be no further understood. Furthermore, there are large obstructions in the northern half of the site which will potentially require pile probing which will also have a detrimental impact on any remaining pockets of in-situ archaeology.

3.6 In this case the public benefit of fully excavating the remaining elements of archaeology on-site is therefore the preferable approach. The information derived would complete the archaeological picture of the area running from the glassworks site to the north to Blue Bridge Lane to the south. By stripping the site, a final decision can be made as to whether it is possible to preserve any reasonably sized areas of archaeology in-situ. This approach will allow the most control over the archaeological deposits to be exerted. However, it is anticipated, given the amount of interventions past, present and proposed, that a full excavation is likely to be required in order to maximise public benefit from the site.

3.7 An archaeological remains management plan is required. This will set out the details for the initial strip, any monitoring during further site investigation and be updated when the final archaeological mitigation scheme is known. The plan should also set out a program of public engagement relating to the excavation. It may be possible to use the remaining structural elements of the Rialto Cinema as a public engagement tool. Publication of the findings, in particular how these relate to the excavations which have taken place on surrounding sites over the past 40 years, will then occur.

Design, Conservation and Sustainable Development - Architect

3.8 Required a significant setback between the north wing and Fishergate to allow for landscape. A setback of 3.5m to 4m is now proposed which is satisfactory.

3.9 Roof – officer's preference was for the section of roof between the pairs of gables to be pitched reasonably, so the design is authentic and the gables are the prominent feature. Following discussion, the scheme has been amended on the elevation facing William Court (elevation 03) where the issue was most significant, due to the lack of staggered building line and intervening chimney between the gables.

3.10 The amenity of residents on William Court could be affected by the development, due to it being over-bearing and causing over-looking.

Design, Conservation and Sustainable Development – Landscape

3.11 The scheme has been amended to address the following recommendations –

- On the north side of the site officers recommended planting for outlook and to encourage wildlife. The most recent landscaping plan confirms the existing hedge and Alder trees retained with a grass margin by the building.
- Fishergate elevation - strongly advised that the northeast gable be pulled back from Fishergate in order to create a stronger and more prestigious entrance and setting, and to better key the building into its landscape/streetscape context. The revised plans have achieved a setback of 3.5m to 4m.
- On the south side of the site as recommended the boundary railings have been pushed back from the footpath to increase the dominance of the planting.

Design, Conservation and Sustainable Development - Ecology

3.12 To provide appropriate biodiversity benefits ask for a condition to secure 4 integrate features for bat roosts and 4 for nesting birds.

Highway Network Management

3.13 Raised concern over the main entrance location and its relationship with Fishergate. This is because of the likelihood there will be drop-off and deliveries adjacent the entrance (despite current waiting restrictions). Such practice would raise safety concerns, in particular due to the proximity to the zebra crossing and proximity with the junction to the gyratory. It was asked for the access to be relocated. Officers have subsequently agreed the principle of a space on Blue Bridge Lane for drop-off.

3.14 The initial cycle parking provision, of around 65% is reasonable and compares to similar student accommodation schemes.

3.15 Contributions requested for highway works – no stopping at any time on Fishergate, relocation of car parking on Blue Bridge Lane and provision of a space for drop-off. A contribution is sought for the Council to assist with the Travel Plan and ensure it is appropriate in terms of securing targeted sustainable travel measures. A student management plan, to deal with the possible issue of students parking locally to the detriment of highway safety, is requested. A similar approach to the student accommodation scheme at Frederick House recommended.

Public Protection

Noise

3.16 Ask for conditions to require adequate noise levels within the proposed accommodation, to approve details and noise levels of machinery, plant and equipment. The submitted construction management plan is acceptable in terms of measures regarding construction noise (& dust).

Land contamination

3.17 Past site activities could have given rise to land contamination and potential contaminants. The site appraisal report recommends that an intrusive ground contamination assessment be carried out to find out whether contamination is present. Officers recommend conditions for a remediation scheme and implementation.

Air quality

3.18 Construction - through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases would be minimised and the residual effects are not anticipated to be significant. Operational impacts – no objection or mitigation requested.

Electric vehicle charging facilities

3.19 Officers request 1 electric vehicle charging point, with passive provision for a further space.

Designing our crime office (North Yorkshire Police)

3.20 The most significant crime issues that could affect this development are burglary, cycle theft and criminal damage. It is recommended that –

- Communal entrance doors fitted with a self-closing mechanism with a lock which engages automatically. Opening restrictors to windows.
- CCTV coverage to cycle storage.
- Access to cores be restricted.

York Civic Trust

3.21 The Trust is generally supportive of the design concept and form. The pitched roofs with gable ends are a positive design choice and a welcome contrast to the flat-roofed square-forms of other similar contemporary developments.

3.22 Would like to see more planting between the north wing and Fishergate. The impact of the building here is exacerbated by the largely blank gable ends with little detailing. A setback the width of one of the student rooms i.e. about 4m, allowing for soft landscaping, would allow the scheme to not appear overbearing.

3.23 A more prominent entrance to the scheme recommended, to define the buildings function and to provide architectural interest.

3.24 The expanse of cycle parking in the northern courtyard takes up over half the courtyard and is unduly prominent. Its location directly in front of the main entrance further contributes to the obscuring of the entrance-way and entrance space. Suggest the facilities are more evenly distributed throughout the site.

3.25 Accessibility to the communal areas is queried as it is all provided within the south block.

Yorkshire Water

3.26 The drainage strategy is agreed to. Recommend conditions in respect of systems for foul and surface water and implementation of the drainage strategy. A condition is requested to agree measures during construction to protect the public sewer adjacent the site.

4.0 REPRESENTATIONS

4.1 There have been 46 contributors on the application. One in support. The comments are as follows –

Adverse effect on neighbours' amenity

- Over-bearing and overlooking due to the scale of the building and its proximity to neighbouring houses and gardens. Adverse effects to William Court and Fishergate House.
- Noise due to comings and goings of residents and deliveries.
- Noise from sub-station / servicing / plant and equipment of the development. All these items are towards the rear by William Court.
- Odour from waste storage
- There should be no access from William Court
- The transient nature of students will detract from the local community.
- No on-site management 24 hr to control behaviour.
- Outdoor spaces could cause noise disturbance.

Highway safety

- Could result in excessive pedestrian traffic at the crossing before/after school.
- Increase in traffic due to deliveries and servicing and residents
- Student arrivals and departures plan is unrealistic.
- Lack of parking will mean cars parked locally. Local parking zones already congested due to the number of cars associated with HMO's.
- Lack of drop-off / servicing bay on Fishergate
- There should be 1 cycle space per unit and storage should be covered.
- The scheme should provide funding to improve cycling on the highway network.
- Traffic management plan and travel plan not fit for purpose
- William Court not of adequate dimensions to be able to accommodate the servicing requirements associated with the development.

Visual impact

- Building looks stark and out of context.

- Over-development of the site, the site is of a similar size to William Court but would accommodate far more residents.
- Building unduly high; should reflect the 3-storey development at William Court.
- Missed opportunity to create a landmark building at this prominent location.
- Contrasting brickwork to William Court

Air Quality

- Detrimental impact on air quality. Due to delays to traffic caused by more people using the zebra crossings and as a consequence of increased traffic.

The type of development proposed

- Lack of evidenced need for student accommodation; higher need for market housing. Other student accommodation schemes have not achieved 100% occupancy rates. Any further student housing should be on campus.
- Loss of leisure / community facility and lack of evidence to show no demand for previous use.
- The scheme will be great for surrounding business.
- Student accommodation unsuitable for a site so close to the river.
- A communal / commercial facility within the building with wider public access would be welcome.
- Poor quality of amenity for future residents due to room sizes.
- Access arrangements in case of fire?
- Pressure on surrounding infrastructure.
- Inadequate percentage of the rooms are accessible (only 4).
- Gas fired boilers unacceptable on sustainability grounds.

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- Concerned that there may be too much student accommodation built in Fishergate Ward and this development might not be viable.
- More needs to be done to reduce overlooking of neighbours and their gardens. Some thought has been given to this, but little regard given to the overlooking of residents of Fewster Way.
- The corner of Blue Bridge Lane and Fishergate is a prominent gateway into the city. How the building addresses the corner could be improved. It is however acknowledged as an improvement to the existing situation. The building where it fronts Fishergate lacks interest. A further setback from the street is recommended as a possible solution in this respect.
- Positive about the garden area on Blue Bridge Lane as this breaks-up the monotonous blank wall of the Mecca Bingo currently in situ. Approve of the two colours of red brick which adds colour and variation to the massing of a large building.
- Concern there is no lay-by immediately by the entrance. Delivery / serving vehicles stopping up and blocking the highway/pavement in this area could affect highway safety.

- Traffic on A19 delayed by persons using the zebra crossing. This could have an adverse effect on air quality.
- Construction traffic – delivery times should avoid peak hours and school opening / closing times
- Operational concerns – should be staff on site always to deal with any concerns regarding noise and management measures to prevent students parking in the surrounding area.

5.0 APPRAISAL

Key issues

5.1 The key issues in assessment of this scheme are -

- Principle of the proposed development
- Heritage Assets / Archaeology
- Design of the proposed building
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection
- Drainage

Principle of the proposed development

5.2 Key sections in the NPPF in considering whether the proposed development would be acceptable in principle are Section 5. Delivering a sufficient supply of homes, 8. Promoting healthy and safe communities and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable. NPPF paragraph 38 states “decision-makers at every level should seek to approve applications for sustainable development where possible”. Paragraph 11d establishes that in this case planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 NPPF Section 5 states that “to support the Government’s objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.4 The site is previously developed and in a sustainable urban location. The proposed re-use of the site in principle conforms with NPPF section 11, which requires planning decisions should:-

- Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (120).
- Local Planning Authority's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs (121).
- Take a positive approach to applications for alternative uses of land, where it is developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. (123).

5.5 There is deemed not to be a policy conflict due to the loss of the former use. Section 8 of the NPPF relates to healthy and safe communities and includes policy for the loss of facilities. In paragraph 93 it states that "to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services, to enhance the sustainability of communities and residential environments". The emphasis is on the protection of facilities that cater for peoples day-to-day needs. The loss of a bingo hall, which has ceased trading, is deemed not to be a facility or service that is essential in providing for community needs.

5.6 Of the 2018 eLP policy HW3 relates to protecting existing facilities. As per the NPPF the background text advises the policy relates to community facilities should be taken to mean buildings, facilities, and services that meet the day-to-day-needs of communities. This may include libraries, post offices, and community meeting places, such as youth groups, places of worship, and parish and village halls. The former use, bingo hall and car park, are considered not to be facilities essential for the day to day needs of the community.

5.7 The loss of the existing facility does not carry significant weight. Given the location of the site, within an accessible distance of the city centre and the nearby amenities, public buildings and commercial uses around Fishergate, Fawcett Street and towards Lawrence Street, there are alternative locations and facilities where the former use could be accommodated, if there were the demand.

5.8 Policy H7 Student Housing within the 2018 eLP carries limited weight in decision-making at this stage as the emerging plan is not adopted. It is against the NPPF policies that this proposal should principally be assessed. H7 states proposals for new student accommodation will be supported where:

- there is a proven need for student housing; and

- it is in an appropriate location for education institutions and accessible by sustainable transport modes; and
- development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.9 The amount of purpose built student accommodation (PBSA), operated by the university and other operators, even when including permissions yet to be implemented, could accommodate around 40% of students (in full time education). The data evidences need for PBSA. Taking into account NPPF policy on decision making (in paragraph 38) which states Local planning authorities should approach decisions on proposed development in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible, the application could not be resisted in principle on the basis of need.

5.10 Schemes for PBSA at Fawcett Street (21/01570/FULM) and Fulford Road (19/00603/FULM), within close proximity to this site, have recently been considered, with no objection on location grounds. The location is suitable for student accommodation, given the proximity to the city centre and York University. The site is in a sustainable location, just outside of the city centre, as shown in the 2018 eLP proposals maps.

5.11 The impact on nearby residents and the local area is appraised in the following sections regarding design and amenity.

Heritage Assets / Archaeology

Character and appearance of the conservation area

5.12 The site is outside of, but adjacent to, the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. Where there is found to be harm to the character or appearance of the Conservation Area, the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in Section 16 of the NPPF.

5.13 The site is just outside of the Fishergate character area of the Central Historic Core Conservation Area. The conservation area was extended as part of the most recent appraisal, to include Fawcett Street and Fishergate. The character area appraisal overview states “the historic character of the area is fragmented by modern development and its ambience is compromised by high volumes of fast moving cars – it essentially operates as a traffic island. Despite these issues, the area should be

incorporated within the Conservation Area as it forms an important entry point to the city and provides a setting for the city walls". The 'opportunities' recommended for the area include more pedestrian crossing points on Fishergate.

5.14 The site as existing differs from the prevalent conservation area character along Fishergate, taking into account urban grain / townscape, building materials and local vernacular. The proposed scheme will better address the street considering the form, proportion and materiality of the proposed buildings, which are of a comparable scale to neighbouring buildings, reference local vernacular in their use of front gables and use of red brick (two tones of red-multi brickwork is proposed). The layout will provide views into the two landscaped courtyards, reflecting the character of Fishergate House to the south. Consultation responses have referred to the front gable of the north wing and its undue close proximity to Fishergate. This concern has been addressed in the revised scheme (now proposed) and the front gable has been pushed back between 3.5m to 4m from the footpath. This allows for soft landscaping that will complement the planting in front of the site (within the highway) and Fishergate School opposite. There is no identified harm to the Central Historic Core Conservation Area (which is adjacent the site).

Setting of listed buildings

5.15 Fishergate Primary School, on the opposite side of the road is Grade II listed, as is Fishergate House to the south, and Ivy Cottage at 33 Fishergate to the north.

5.16 Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.17 The listed buildings in the vicinity of the site are all within an urban inner city location. The proposed development will not affect how these buildings are appreciated in context and public views will not be affected. The scheme has a neutral effect on listed buildings.

Archaeology

5.18 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 194 states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

5.19 Policy D6 of the 2018 eLP advises that proposals will be supported where harm to archaeological deposits is unavoidable, when detailed mitigation measures have

been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.20 The applications have provided an adequate desk-based assessment, as required by the NPPF. York Archaeological Trust have also undertaken preliminary site investigations, which are reported in the application and inform the proposed mitigation agreed with the Council's Archaeologist. The mitigation will be secured through condition and comprise stripping the site, to determine whether archaeology can be preserved in-situ, considering the foundation design, otherwise there will be excavation (a full excavation is expected). The mitigation, combined with the benefits of the proposed regeneration of the site, outweigh the impact on archaeology if excavation is required. The approach will be set out in an archaeological remains management plan. The plan will be required to set out a program of public engagement relating to the excavation. It may be possible to use the remaining structural elements of the Rialto Cinema as a public engagement tool. Publication of the findings, in particular how these relate to the excavations which have taken place on surrounding sites over the past 40 years, will then occur.

Design

5.21 NPPF paragraph 130 sets out design considerations. In addition paragraph 131 now emphasises the importance of trees in urban environments. Paragraph 130 advises developments should -

- a) function well and add to the overall quality of the area over the lifetime of the development;
- b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.22 The scheme is NPPF compliant in respect of good design, in respect of its function, provision of amenities, appearance in respect of the local area and it introduces new tree planting, where servicing / drainage storage requirements allow.

5.23 The buildings layout and design has been influenced by the following factors –

- Provide a main entrance from Fishergate so the majority of activity; comings and goings of occupants is concentrated to Fishergate.
- Communal uses on the wing of the building facing Fishergate to provide a more active frontage. This also enables a communal space looking onto the larger landscaped courtyard.
- To avoid narrowing the footpath or compromising the cycle route on Fishergate space will provided on Blue Bridge Lane to accommodate deliveries / drop off. The layout will facilitate this with a minor / secondary access on the south side of the building.
- Detailed pre-application discussions with the Council's Design and Conservation team have informed the buildings scale and form, which respects the areas prevalent character.
- Cycle storage has been re-organised so trees can be accommodated and landscaping is more prominent in the north courtyard, both in terms of residents outlook and in views from Fishergate.
- Surrounding residents has been considered. On the south side of the building there is open space which reflects the Fishergate House layout. The location, orientation and size of windows have all been carefully considered to avoid overlooking surrounding properties at William Court ad Fishergate House.

5.24 The scheme includes a mix of studio rooms and cluster flats (the largest cluster has 13 bedrooms, although all but two of the clusters have fewer than 10 bedrooms). Given the mix of accommodation types, and the provision and variety of communal space for all residents at ground level and in the courtyard there is adequate amenities within the scheme. The internal communal facilities provide over 300 sq m floor space.

5.25 Fire strategy – a dry riser system is proposed to be installed in the cores (staircase areas) this allows fire-fighting to be undertaken within the building if required. On this basis tenders only need to gain access within 18m of each dry riser as set out in BS 9991 (fire safety in design). This is provision is achieved in the proposed scheme.

5.26 The appearance of the scheme; the buildings and landscaping and how it respects the local area is set out in the section on Heritage Assets. The scale, form and materials of the building better respect the area compared to the site in its existing condition. The scheme is also beneficial in providing landscaped areas, which will be visible from Fishergate and Blue Bridge Lane.

5.27 The proposed condition related to site management will cover secure by design measures. In particular the presence of on-site security, access control and CCTV coverage of the cycle store areas.

Sustainable design

5.28 Local requirements for buildings in terms of addressing climate change are eLP 2018 policies CC1 and CC2, which seek to secure enhancements over the 2013 Building Regulations. New buildings are expected to have a dwelling emission rate (DER) that is a 28% improvement over the 2013 regulations.

5.29 A reduction of 28.22% over a baseline building has been estimated to be achievable, through incorporating combined heat and power (CHP), photovoltaics, a variable refrigerant flow (VRF) system for heating and cooling amenity spaces, and mechanical ventilation and heat recovery (MVHR). The local requirement can be secured through planning condition.

Biodiversity

5.30 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for biodiversity and recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.31 Net gain would be achieved as a consequence of the additional areas of soft landscaping proposed on-site. A condition is also proposed to provide habitats for bats and birds within the building fabric.

Neighbours amenity

5.32 Paragraph 130 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

William Court

5.33 The rear of the north wing of the proposed building was moved further away from the west boundary in revised plans. The separation is now 10.7m between the end elevation and the boundary with the rear garden of 25 William Court.

5.34 The separation between the proposed building and neighbouring rear garden is the same as that between the front elevation of 18 William Court and the rear garden to 19 William Court. The upper floor windows on the proposed building in this area have also been set at an angle so only a narrow section of the window (some 34cm wide) looks towards the neighbour's garden. The section of the building opposite the

side elevation of 25 is closer, around 9.5m from the boundary. There are only two small secondary windows in the side elevation on no.25. The neighbour is an end of terrace house; the main windows are to the front and rear. As the scale of buildings would not be significantly different (the ridge of the proposed building is just under 1m taller than the neighbour), the separation distances comparable to elsewhere on William Court, and given the window design, the proposed development, reflects local conditions and would not be unduly overbearing or over-dominant.

5.35 At the south end of the site windows on the proposed building are also orientated to look away from rear gardens and towards either the side elevation of buildings or more public streets and spaces. The proposed building will be setback from the footpath edge, behind a strip of landscaping. The ridge level of the proposed front gables are under 1m higher than the ridge levels of housing at William Court. There would not be undue overlooking. In terms of building scale and proximity there is not a material difference, to the extent that amenity is affected, between the existing and proposed buildings on-site.

Fishergate House

5.36 The building footprint is predominantly set away from Blue Bridge Lane as the main courtyard garden is on the south side of the site. The proposed building is far less oppressive compared to the existing. There are only two ends of the east and west wings that extend to the boundary. The primary windows on these wings look east / west and not towards Fishergate House. Only at the south-east corner is there a living room with a large south facing window. The windows architecturally help address what is a prominent corner. They would overlook a shared communal space but have no adverse amenity effect on the dwelling to the south which is some 25m away.

Fewster way

5.37 The north wing of the building will be approximately 21m from the side elevation and garden of the nearest house at Fewster Way. This is reasonable in respect of amenity.

Building services noise and sub-station

5.38 The plant room enclosures will be capable of attenuating any plant noise. This will be covered through condition. Separation distances between sub-stations and residential accommodation are recommended to be 3m and this is achieved.

5.39 A condition is recommended regarding on-site management and operation of the development in respect of avoiding noise disturbance.

Highway safety and sustainable travel

5.40 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.41 The NPPF states “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.

5.42 Given the type of development proposed, and its location, an essentially car free development accords with the NPPF policies and objectives. It is also consistent with the approach taken at other city centre sites with purpose built student accommodation, which have successfully integrated into the locality. The car parking provision (5 spaces) is for accessible parking and to accommodate a space for the car share / car club only. There will be an electric vehicle charging facility also.

5.43 A full travel plan, prepared in accordance with national guidance, setting ongoing monitoring / targets will be required through condition. The expectation would be that this is managed by the site operator and is therefore site specific. The purpose of the travel plan will be to encourage sustainable travel. A contribution has been agreed for the Council to provide input to the Travel Plan over its lifetime and ensure it is appropriate in respect of targets, monitoring, and implementation.

5.44 Cycle storage – the storage provision provides 44 spaces within the main building, plus 2 larger/over-sized spaces. Within the north courtyard are a further 124 spaces that would be covered and secure. This provides a provision of 61% initially. There is further space within the courtyard for future provision subject to demand. The provision of 60% is acceptable for the type of use proposed. Based on post-occupation at comparable PBSA, the initial provision will provide for demand.

5.45 The waste collection point and access for servicing / maintenance has been tracked to show appropriate vehicles can access. It is acceptable on highway safety grounds.

5.46 Space for drop-offs (for example taxis) will be introduced on Blue Bridge Lane, with an access point into the site provided. This is the preferred option as such a facility could not be accommodated on Fishergate without adverse effect on the existing provision for pedestrians and cyclists.

5.47 There are other purpose built student accommodation schemes of a similar location and scale to as proposed which have been in operation for some time now. There is no compelling evidence that these have an adverse effect on the highway network. A condition is however proposed that through the operator students are made aware they cannot bring cars to site and there will be measures to be agreed in

respect of addressing any safety issues of students parking in surrounding streets that may arise.

5.48 In conjunction with the scheme it has been agreed the developer would fund amendments to existing restrictions in front of the site on Fishergate to ensure no stopping / waiting at any times. This is considered necessary in the interests of all users of the highway.

5.49 The construction management plan provided advises that measures will be in place during construction so delivery vehicles will not attend site between the hours of 8.15am-9am or 14:45- 16:00, to avoid the beginning and end of the school day.

5.50 For the beginning and end of term arrangements a management plan has been issued. The plan confirms marshals will be employed to supervise the locality on moving days, which will be phased over two weekends. Students will need to book a 20 minute moving in slot (therefore using the 5 spaces on site 15 arrivals per hour could be accommodated).

Public protection

5.51 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Land contamination

5.52 Standard conditions are proposed for a site investigation, to inform a remediation strategy and for evidence the remediation has been successful.

Noise

5.53 A noise impact assessment has been undertaken to inform local noise conditions. This provides comfort that by design future residents will experience reasonable noise levels. Conditions are proposed to secure such construction and also so that plant / machinery (including the sub-stations) will not have an adverse effect on neighbours.

Construction management

5.54 A construction management plan (CEMP) has been submitted and is considered broadly acceptable by Public Protection. Officers have asked only for an update in terms of the air quality measures within the scheme, to reflect the impacts and mitigation identified in the applications air quality assessment. This can be dealt with,

through an update to the CEMP prior to determination of the application alternatively through condition.

EV parking

5.55 A condition is recommended to require electric vehicle charging points in accordance with the Council's Low Emission Strategy.

Air quality

5.56 The application is supported with a technical air quality assessment, it has been reviewed by the Council's Public Protection Team and deemed acceptable. The assessment determines impacts during the construction phase, mitigation is recommended and will be secured through planning condition. Operational impacts has been determined as negligible / not significant. Further to the assessment there are benefits as a consequence of the scheme. There are currently 128 car parking spaces on site. This would be reduced to 5 parking spaces, which will include electric vehicle charging points and a space for a car club vehicle. The site is currently all developed significantly, with buildings or hard-standing for parking. The amount of soft landscaping and number of trees on-site will increase.

Drainage and flood risk

5.57 The NPPF in paragraph 167 establishes that when determining any planning applications, flood risk elsewhere should not be increased and sustainable drainage systems be incorporated, unless there is clear evidence that this would be inappropriate. The local approach following the NPPF, in policy ENV5, is that existing surface water rates are evidenced and reduced by 30%. It also applies the sustainable drainage hierarchy.

5.58 Following the sustainable drainage hierarchy connection into the sewer is proposed. Site investigation has determined that soakaways would not perform adequately and direct connection into a watercourse is not achievable. The run-off rate proposed, and agreed with Yorkshire Water, is 27.5 litres / sec. The run-off rate would exceed the local requirement in ENV5; it would reduce the existing run-off rate by over 30%.

5.59 The site is outside of Flood Zones 2 and 3. The development is therefore appropriate in terms of flood risk and NPPF paragraph 159 which seeks to direct development away from areas at the highest risk (of flooding).

6.0 CONCLUSION

6.1 The NPPF establishes the need to take a positive approach to decision-making and the significant weight given to economic growth. Having regard to the statutory

duties in sections 66 and 72 of Listed Buildings and Conservation Areas Act, the development would not harm the setting of any designated heritage assets. Archaeological interests can be appropriately maintained through recording. There are no policies in the NPPF that protect assets of particular importance which provide a clear reason for refusing the development in this instance. Therefore the presumption in favour of development applies in this case; that, as stated in Paragraph 11d, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

6.2 There would be no significant adverse effect, in terms of the loss of the current uses of the site, that would outweigh the benefits of the proposed use. The scheme is considered an improvement over the existing site in terms of how it respects local character. There would be no undue effect on neighbours' amenity and adequate amenities for future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

6.3 Approval is recommended subject to conditions and a Section 106 agreement for the following –

- Traffic Regulation Orders (£6,000) to provide for - amending existing waiting restrictions on Fishergate to 'No waiting and no Loading at any time'.
- Travel Plan support (£25,000 (£5,000 per year)) – for the Council to provide input and ensure the travel plan is implemented reasonably over a 5-year period following occupation.

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Site plan
(451)2101-GWP-01-XX-DR-A-(PA)-0010 PA0

Proposed floor plans and roof
(451)2101-GWP-01-00-DR-A-(PA)-0012 PA0

(451)2101-GWP-01-01-DR-A-(PA)-0013 PA0
(451)2101-GWP-01-01-DR-A-(PA)-0014 PA0
(451)2101-GWP-01-01-DR-A-(PA)-0015 PA0
(451)2101-GWP-01-01-DR-A-(PA)-0016 PA0

Proposed elevations

(451)2101-GWP-01-XX-DR-A-(PA)-0020 PA0
(451)2101-GWP-01-XX-DR-A-(PA)-0021 PA0
(451)2101-GWP-01-XX-DR-A-(PA)-0022 PA0
(451)2101-GWP-01-XX-DR-A-(PA)-0023 PA0
(451)2101-GWP-01-XX-DR-A-(PA)-0024 PA0

Proposed sections

(451)2101-GWP-01-XX-DR-A-(PA)-0031 PA03
(451)2101-GWP-01-XX-DR-A-(PA)-0032 PA03

Large scale details

(451)2101-GWP-01-XX-DR-A-(PA)-0040 PA03
(451)2101-GWP-01-XX-DR-A-(PA)-0041 PA03
(451)2101-GWP-01-XX-DR-A-(PA)-0042 PA03
(451)2101-GWP-01-XX-DR-A-(PA)-0043 PA03

Typical bedrooms

(451)2101-GWP-01-XX-DR-A-(PA)-0060_PA03

Cycle provision

(451)2101-GWP-01-00-DR-A-(PA)-0055_PA0

Sub-stations

(451)2101-GWP-01-00-DR-A-(PA)-0050 PA06

Landscaping proposals by encon drawing A5102 01 rev H

Tree Protection Plan DR-5473-02 by Brooks Ecological (contained in Arboricultural Impact Assessment)

Construction management plan

Waste management strategy by Curtins revision V03.

Student Traffic Management Plan 078912-CUR-00-XX-RP-TP-004-V04_TS revision V04

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

3 HWAY40 Dilapidation survey

4 NOISE7 Restricted hours of construction

5 Construction Management

The construction of the development hereby permitted shall be carried out in full adherence with the construction management plan revision A dated 19.5.2021.

Air quality

Reason: To minimise the impact on residential amenity and the highway network during construction, in accordance with NPPF paragraphs 110, 130 and 185.

6 Archaeology

A programme of post-determination archaeological mitigation initially an archaeological strip of the site followed by a level of excavation is required.

- a) No intrusive investigation or development shall commence until an Archaeological Remains Management Plan (ARMP) has been submitted to and approved by the local planning authority in writing. For land that is included within the ARMP, no intrusive investigation or development shall take place other than in accordance with the agreed ARMP.
- b) The initial site investigation shall be completed in accordance with the programme set out in the ARMP approved under (A). The ARMP will be updated accordingly with a full mitigation strategy.
- c) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the approved ARMP 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 ARMP.
- d) A copy of a report and evidence of publication shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF as the site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be preserved in-situ or recorded prior to destruction.

7 Drainage - existing infrastructure

No development shall commence until measures to protect the public sewerage and water supply infrastructure that is laid within/adjacent to the site boundary have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority (in consultation with the statutory undertaker).

The details shall include -

- The means of ensuring that access to the pipe(s) for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer(s) or water main(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: Required prior to commencement in the interests of public health and maintaining the public sewerage and public water networks (maintained by Yorkshire Water), in accordance with sections 12 and 15 of the NPPF.

8 On-site drainage

The site shall be developed in accordance with the drainage strategy as detailed in the Tier Consult report dated May 2021. Surface water will discharge via storage with a restricted discharge of 27.5 (twenty seven point five) litres per second.

Prior to development (excluding demolition) full details of the site drainage shall have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Details shall include -

- Consideration must be given to the use of soakaways. Discharge to the public sewer shall only be permitted if it can be evidenced soakaways are unsuitable (through an appropriate assessment carried out under BRE Digest 365).
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- Existing and proposed ground levels.
- Future management and maintenance of the proposed drainage scheme.

Reason: In the interests of preventing increased flood risk, as required under NPPF section 15, policy ENV5 of the 2018 eLP and the City of York Council Sustainable Drainage Systems Guidance for Developers.

9 Land contamination - site investigation

Prior to development (excluding demolition) an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approved in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

10 Land contamination - remediation

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

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

11 LC3 Land contamination - remedial works

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

12 LC4 Land contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

13 Sustainable design and construction

Prior to commencement of construction of the development details of the proposed building design, to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

The details shall evidence either a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013 or compliance with any approved Part L document dated 2021 or thereafter.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Publication Draft Local Plan 2018.

14 Materials

Manufacturer's details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. They shall be made available for review on-site, at the discretion of the Local Planning Authority. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

15 Large scale details

Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the development and the works shall be carried out in accordance with the approved details.

- a) Typical sections at 1:20 or 1:10
- b) Boundary treatment
- c) Cover to external cycle store

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

16 Noise

Prior to commencement of construction of the development a detailed scheme of noise insulation measures for protecting the approved residential dwellings to the development from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework paragraph 130.

17 Landscaping scheme

Prior to first occupation of the development hereby permitted the approved landscaping scheme, as shown on drawing Landscaping proposals by encon drawing A5102 01 rev H, has been fully completed.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The areas of landscaping, as shown on the approved plans, shall be maintained as such at all times.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of amenity, good design and the character and appearance of the conservation area.

18 Provision of servicing areas, cycle storage and making good of the highway

Prior to first occupation of the development hereby permitted the areas shown on the approved plans for parking and manoeuvring of vehicles and cycle parking facilities shall have been constructed and laid out in accordance with the approved plans, and all existing vehicular crossings not shown as being retained on the approved plans shall have been removed by reinstating the kerb; to match adjacent levels. Thereafter all such servicing areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and good design, in accordance with sections 9 and 12 of the NPPF.

19 Plant and machinery

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

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with the National Planning Policy Framework paragraph

130.

20 Electric vehicle charging facilities

Prior to first occupation of the development hereby permitted a minimum of 1 Electric Vehicle Recharging Point shall be provided on site which is accessible from the approved car parking spaces. The charging point shall incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.

In addition, a minimum of 1 additional parking bay shall be identified for the future installation of additional Electric Vehicle Charging Point. This additional bay shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision).

The Electric Vehicle facilities shall be retained thereafter and reasonably maintained at all times and be available for the charging of electric vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and NPPF paragraph 112.

21 Site security

Prior to first occupation of the development hereby permitted a scheme detailing site security measures shall be submitted to and approved by the Local Planning Authority. The development shall operate in accordance with the approved details. The scheme shall detail -

- Access control measures at the site and into cores within the building.
- CCTV coverage for the cycle stores
- Access restriction measures to ground floor windows

Reason: In the interests of good design, in accordance with NPPF section 12.

22 Site and student management plan

Prior to first occupation of the development hereby permitted a site and student management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be managed and occupied in full accordance with the approved site and student management plan. The plan shall include the following details -

- Measures to prohibit student parking on or in the vicinity of the Site (save for temporary parking arrangements in accordance with the move-in procedure).
- Imposition of tenancy restrictions to prevent student tenants being a keeper of or in control of a car within 400m of the Site and measures taken to enforce such

- restriction, including annual parking surveys in the surrounding area.
- Maintenance of servicing and waste collection facilities.
 - Provision of staff on-site.
 - Strategy for dealing with any complaints from the public.
 - Measures to ensure on-site staff will monitor excessive noise and raise issues with residents.
 - That the student tenancy agreements include clauses relating to anti-social behaviour.

Reason: In the interests of the amenity of local residents and highway safety, in accordance with NPPF sections 110 and 130.

23 Travel Plan

Within six months of first occupation of the development hereby permitted a Full Travel Plan, prepared by the site operator shall be submitted to the Local Planning Authority for approval in writing. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

The plan shall adhere to National Planning Policy Guidance, in providing objectives, monitoring and meeting the identified objectives. It shall include details of the Travel Plan co-ordinator and details for monitoring cycle usage and providing extra facilities subject to demand. Results of annual travel surveys shall be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

24 Student accommodation only

The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City. The operator of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) or conference(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H7 of the 2018 Publication Draft Plan.

25 Use of car parking spaces

The parking spaces within the site shall only be used for the following activities -

- Charging of electric vehicles
- Accessible parking
- As a space for use by city car club vehicles (or similar car share arrangement)
- Any temporary parking required in association with the servicing or maintenance of the development hereby permitted, or at the beginning/end of term time, as specified in the Student Traffic Management Plan (as referred to in condition 2).

Reason: In the interests of promoting sustainable travel and accessibility.

26 Communal uses

The development hereby permitted shall include the whole of the amenity space and facilities for occupants, in accordance with the approved floor plans, and retain them as such at all times.

Reason: In the interests of good design and amenity.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought amended plans to address issues regarding design and through the use of planning conditions.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

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.

Contact details:

Case Officer: Jonathan Kenyon

Application Reference Number: 21/01605/FULM

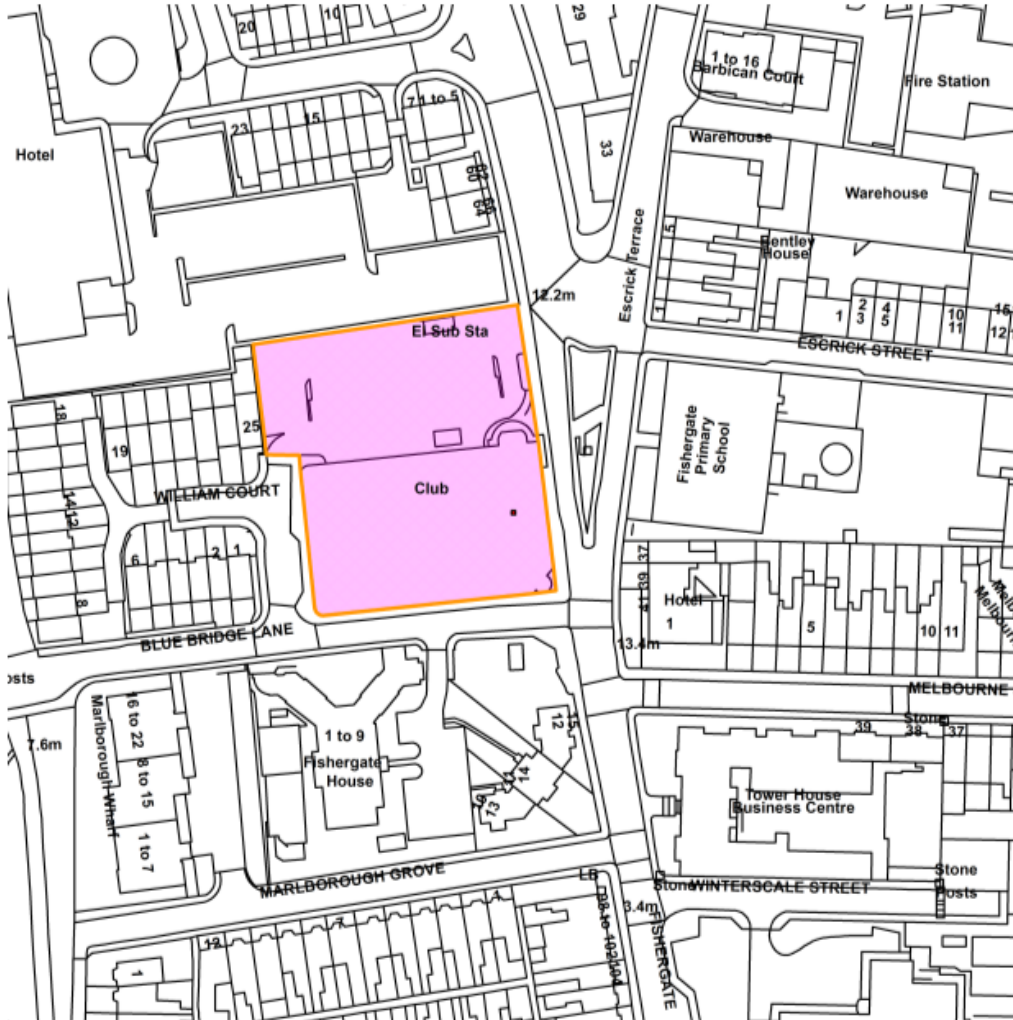
Item 4b

Tel No: 01904 551323

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Mecca Bingo, 68 Fishergate, York YO10 4AR

21/01605/FULM



Scale : 1:1256

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	23 November 2021
SLA Number	

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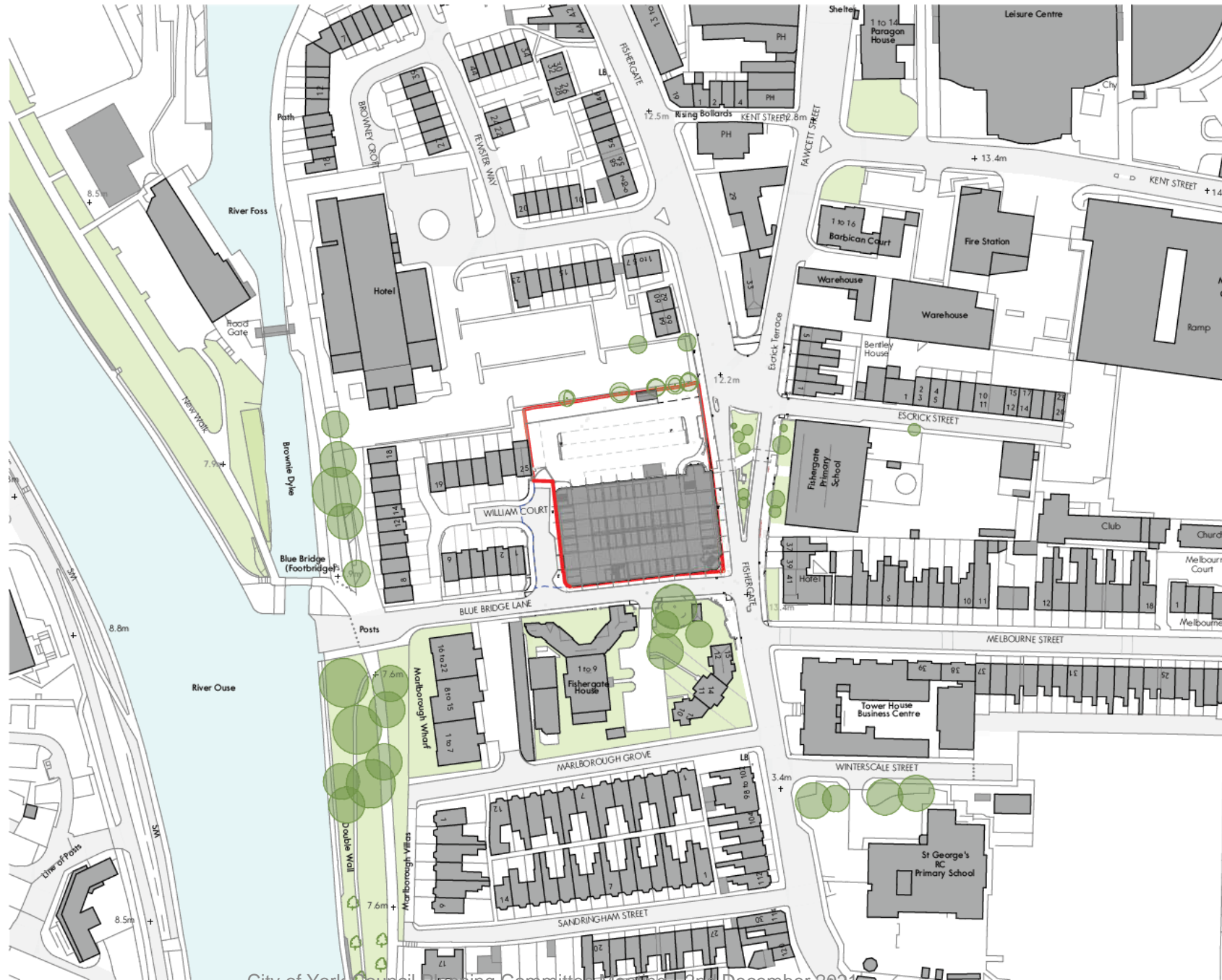
Planning Committee

To be held on Thursday 2nd December 2021

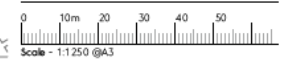
21/01605/FULM - Mecca Bingo, 68 Fishergate, York

Demolition of existing buildings and redevelopment of the site to form 275no. room purpose built student accommodation with associated car parking, landscaping and facilities

Site Location Plan



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Rev	Date	Comment	Dr	Ch
PA02	23.06.21	Revised to comments		
PA01	18.06.21	Final Issue		



CHARTERED ARCHITECTS
 REGISTERED DESIGNERS
 OFFICE BUILDINGS
 ARCHITECTS REGISTERED
 LANDSCAPE ARCHITECTS

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 architects@gwp-arch.co.uk | www.gwp-arch.com

Job Title: (45)12101
 Rialto House, Fishergate, York

Client: OLYMPIAN

Location Plan

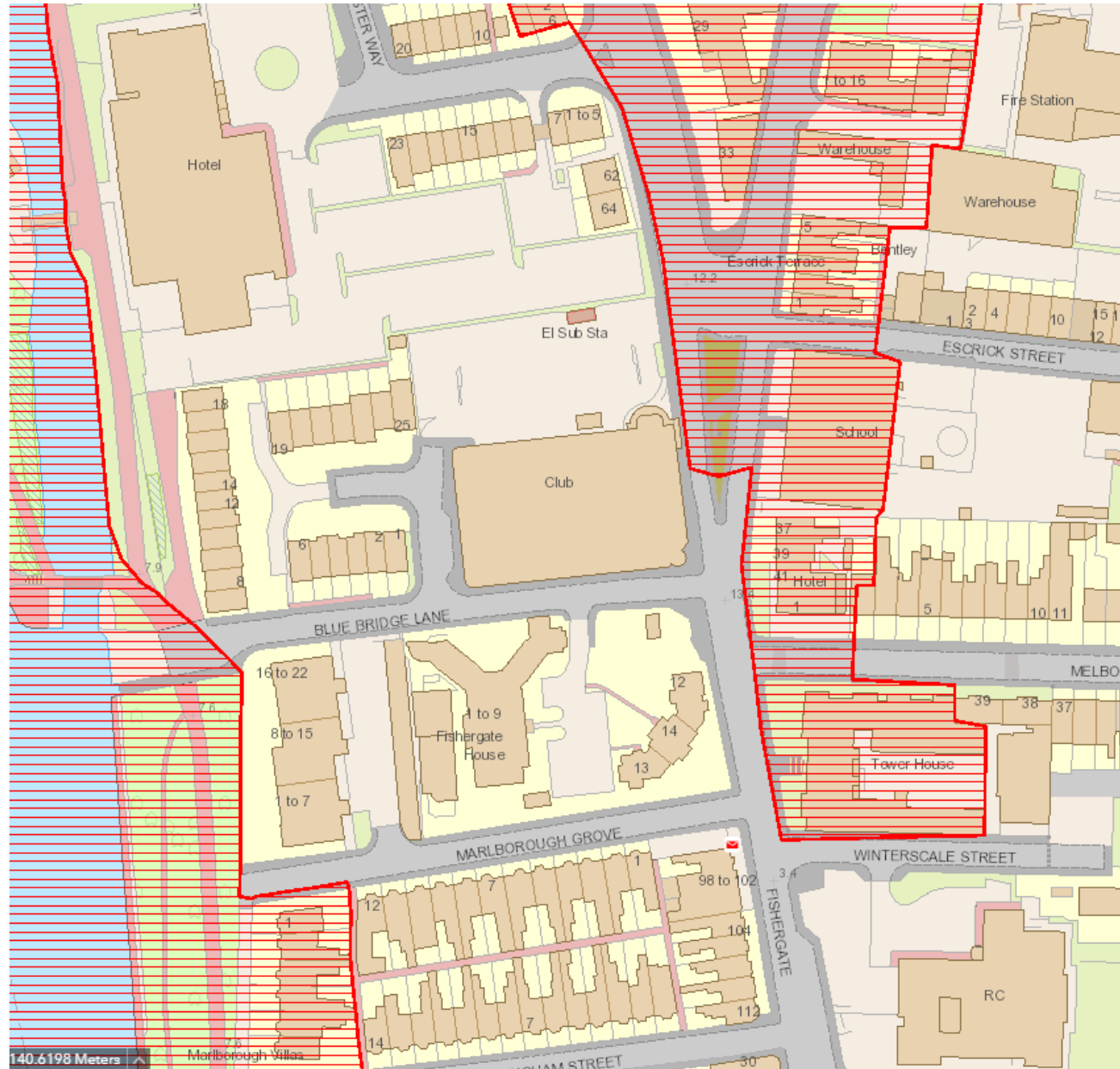
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Scale	1:1250@A3
Revision	PA02
Drawn/Checked	DE/DT
Final Issue	18.06.21

Drawing Status: D - Planning

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Illustration of surrounding Conservation Areas



Blue Bridge Lane



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Front, Side and Rear of 25 William Court

Proposed Elevations – North and West



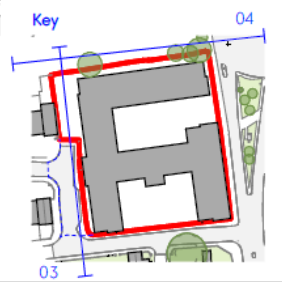
ELEVATION 03 - From William Court, Looking East



ELEVATION 04 - From Novotel Carpark, Looking South

Materials Key

- 1. Light red multi-brick
- 2. Dark red multi-brick
- 3. Brass spandrel panel
- 4. Setback brick panel reveal detail
- 5. High performance PPC Aluminium window units, double glazed. External colour to match brass spandrel panel, RAL TBC (white internally).
- 6. Horizontal louvre. RAL TBC.
- 7. Standing seam zinc roof. RAL TBC.
- 8. Vertical metal railing. RAL TBC.
- 9. Feature horizontal band, Brick Soldier Course and recessed brick band.
- 10. Steel louvre external door. Colour to match windows, RAL TBC.
- 11. Feature brick chimney Brick type 1 / 2 as per elevation.
- 12. Standing seam zinc to lift overrun. Colour to match roof, RAL TBC.
- 13. Potential location for Public Art. Details TBC.



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0 1m 5m 10m
Scale - 1:200 @A3

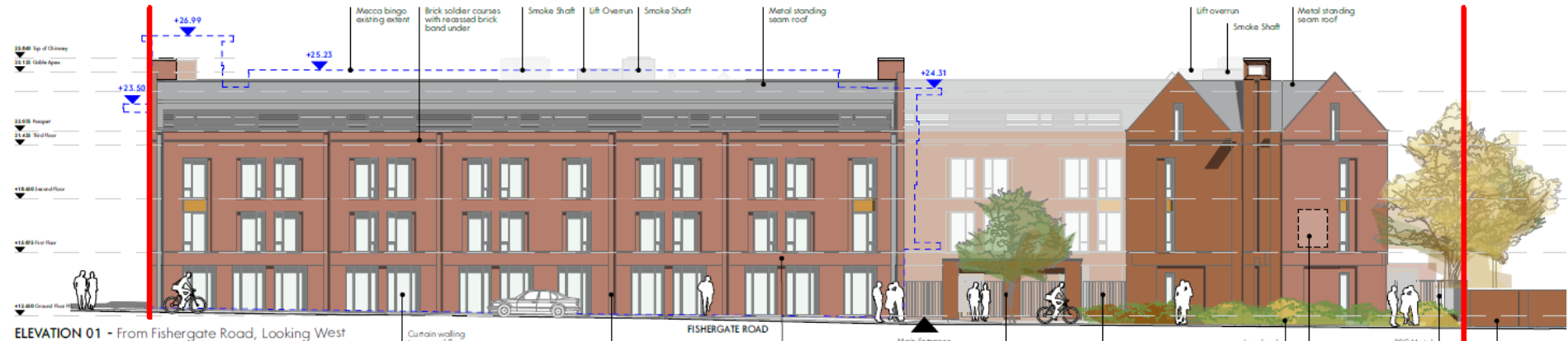
City of York Council Planning Committee Meeting - 2nd December 2021

PA11	22.11.21	Revised to comments.	CT	DT	GWP Job Reference	(451)2101
PA10	05.11.21	Update to metal railing	CT	DT	Job Title	Rialto House, Fishergate, York
PA09	04.11.21	Update to metal railing	CT	DT	Client	
PA08	05.10.21	Minor graphical amendments	DE	DT		
PA07	28.09.21	Revised to comments regarding window reveal. Substation Amended	DE	DT		
PA06	18.08.21	Revised to comments received from Fire Engineer	DE	DT		
PA05	11.08.21	Substation location amended	DE	DT		
PA04	13.07.21	Lift overrun metal cl added to key	DE	DT		
Rev	Date	Comment	Dr	Ch		

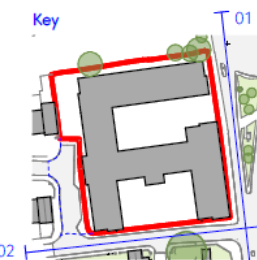
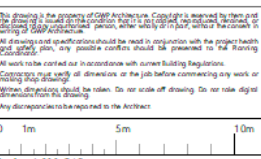
Proposed Elevations 03, 04	
Name	2101-GWP-01-XX-DR-A-(PA)-0021
Scale	1:200@A3
Revision	PA 11
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



Proposed Elevations – East and South



- Materials Key**
1. Light red multi-brick.
 2. Dark red multi-brick.
 3. Brass spandrel panel
 4. Setback brick panel reveal detail.
 5. High performance PPC Aluminium window units, double glazed. External colour to match brass spandrel panel, RAL TBC (white internally).
 6. Horizontal louvre. RAL TBC.
 7. Standing seam zinc roof. RAL TBC.
 8. Vertical metal railing. RAL TBC.
 9. Feature horizontal band, Brick Soldier Course and recessed brick band.
 10. Steel loured external door. Colour to match windows, RAL TBC.
 11. Feature brick chimney, Brick type 1 / 2 as per elevation.
 12. Standing seam zinc to lift overrun. Colour to match roof, RAL TBC.
 13. Potential location for Public Art. Details TBC.

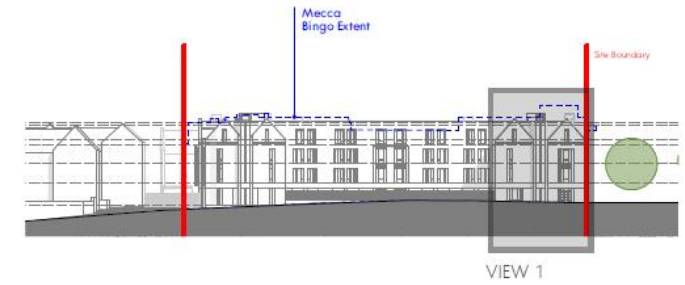


Rev	Date	Comment	Dr	Ch
PA11	22.11.21	Revised to comments.	CT	DT
PA10	05.11.21	Landscape revised to comments.	CT	DT
PA09	04.11.21	Landscape revised to comments.	CT	DT
PA08	05.10.21	Minor graphical amendments.	DE	DT
PA07	28.09.21	Revised to comments received. Civils reviewed. Submission Amended.	DE	DT
PA06	18.08.21	Revised to comments received. From Fire Engineer.	DE	DT
PA05	11.08.21	Submission location amended.	DE	DT

GWP Job Reference	(451)2101
Site Title	Rialto House, Fishergate, York
Name	2101-GWP-01-JX-DR-A-(PA)-0020
Scale	1:200@A3
Revision	PA.11
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



Large Scale Details and materials – Fishergate, Blue Bridge Lane corner



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 Any other requirements to be referred to the Architect.

Rev	Date	Comment	Dr	Ch
PA04	30.09.21	Revised in line with amendments to elevations	DE	DT
PA03	13.07.21	Notes revised	DE	DT
PA02	23.06.21	Revised to comments	DE	DT
PA01	18.06.21	First issue	DE	DT

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
OLYMPIAN

Bay / Materials Study 02	
Name	2101-GWP-01-XX-DR-A-(PA)-0041
Scale	VARIES
Revision	PA.04
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



Proposed Ground Floor



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0 1m 5m 10m
Scale - 1:250 @A3



— Site Development Boundary
- - - Extent of Site Title

KEY

Orange	Social Space - 336m ²	
Light Green	Plant - 175m ²	
Red	Vertical Circulation / Cores	
Light Blue	Cluster Social Kitchens	
Light Green	Studio Room - Varies	22 No.
Light Blue	DDA Studio Room - ~31.2m ²	1 No.
Blue	Cluster Bedroom - 12.5m ²	27 No.
	Total:	50 No.

Cycle Storage 168 Spaces (61.09%)
Future Cycle Storage 168+ 94 Spaces = 262 (95.27%)

▲ Building Entrance / Egress
▲ Cycle Access via Gate
▲ Maintenance access off Blue Bridge Lane

Rev	Date	Comment
IK13	22.11.21	Revised to comments
IK12	04.11.21	Cycle layout amended
IK11	05.10.21	Cycle layout amended
IK10	30.09.21	Cycle access via gate indicated
IK09	23.09.21	Revised to comments. Cycle amended. Substation location and size amended.
IK08	11.08.21	Substation location amended
IK07	30.06.21	Cycle parking route revised
IK06	29.06.21	Cycle parking revised
IK05	28.06.21	Energy centre amended. Smoke shaft and fire escape accepted

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(451)2101

Job Title
Rialto House, Fishergate, York

OLYMPIAN

Proposed Ground Floor Plan	
Name	2101-GWP-01-00-DR-A-(PA)-0012
Scale	1:250@A3
Revision	PA 3
Drawn/Checked	DE/DT
First Issue	18.06.21
Drawing Status	D - Planning



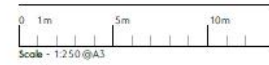
Proposed First Floor



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— Site Development Boundary
 - - - Extent of Site Title

KEY

Vertical Circulation / Cores	
Cluster Social Kitchens	
Studio Room - Various	21 No.
DDA Studio Room - ~31.2m ²	1 No.
Cluster Bedroom - 12.5m ²	59 No.
Total:	81 No.

Rev	Date	Comment	By	Chk
IN04	22.11.21	Revised to comments	CI	
IN07	05.10.21	Revised to reflect changes to drawing 0013	DE	
IN06	30.09.21	Revised to comments received from Fire Engineer	DE	
IN05	24.09.21	Revised to comments. Cables amended. Substation location and size amended.	DE	
IN04	11.08.21	Substation location amended	PF	DE
IN03	29.08.21	Energy scheme amended. Smoke shaft and service riser swapped.	DE	RT
IN02	23.06.21	Revised to comments	DE	DT
IN01	18.06.21	Final issue	DE	DT



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GWP 300 04/2016

(45112101)

Job Title: Rialto House, Fishergate, York
 Client:

OLYMPIAN

Proposed First Floor Plan

Name	2101-GWP-01-01-DR-A-(PA)-0013
Scale	1:250@A3
Revision	PA08
Drawing/Checked	DE/DT
Final Issue	18.06.21

Drawing Status: **Final Planning**

Proposed Second Floor Plan



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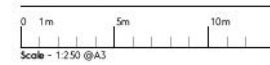
All work to be carried out in accordance with current Building Regulations.

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— Site Development Boundary
 - - - Extent of Site Title

KEY

█	Vertical Circulation / Cores	
█	Cluster Social Kitchens	
█	Studio Room - Varies	21 No.
█	DDA Studio Room - ~3.1m ²	1 No.
█	Cluster Bedroom - 12.5m ²	59 No.
	Total:	81 No.

Rev	Date	Comment	Dr	Ch
PA08	22.11.21	Revised to comments		
PA07	05.10.21	Revised to reflect changes to drawings 05/12		
PA05	30.09.21	Revised to comments received from Fire Engineer		
PA05	24.09.21	Revised to comments. Cable tray amended. Substation location on site amended.		
PA04	11.08.21	Substation location amended		
PA03	29.06.21	Energy centre omitted. Smoke shaft and service riser swapped.		
PA02	23.06.21	Revised to comments		
PA01	18.06.21	Final Issue		

Page 17/11



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Job Reference: 145112101

Job Title: Rialto House, Fishergate, York

OLYMPIAN

Proposed Second Floor Plan

Name	2101-GWP-01-02-DR-A-(PA)-0014
Scale	1:250@A3
Revision	PA08
Drawn/Checked	DE/DT
Final Issue	18.06.21

Drawing Status: D - Planning



Proposed Third Floor Plan



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Any discrepancies shall be reported to the Architect.



— Site Development Boundary
 - - - Extent of Site Title

KEY

- Vertical Circulation / Cores
- Cluster Social Kitchens
- Studio Room - Varies 14 No.
- DDA Studio Room - ~27.7m² 1 No.
- Cluster Bedroom - Varies 48 No.

Total: 63 No.

Rev	Date	Comment	Dr	Ch
IK10	22.11.21	Revised to comments	CI	
IK09	05.10.21	Revised to reflect changes to drawing 03.03	CI	
IK08	30.09.21	Revised to comments received from Fire Engineer	CI	
IK07	24.09.21	Revised to comments. Substation amended. Substation location and size amended.	CI	
IK06	18.08.21	Revised to comments received from Fire Engineer	CI	
IK05	11.08.21	Substation location amended	CI	
IK04	29.06.21	Energy centre amended. Smoke shaft and service riser amended.	CI	IT
IK03	23.06.21	Revised to comments	CI	DT
IK02	22.06.21	Roof lights to kitchens added	CI	DT
IK01	14.06.21	Final issue	CI	DT

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City of York Council Planning Committee Meeting - 2nd December 2021

GWPA

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GWP Job Reference: (451)2101

Job Title: Rialto House, Fishergate, York

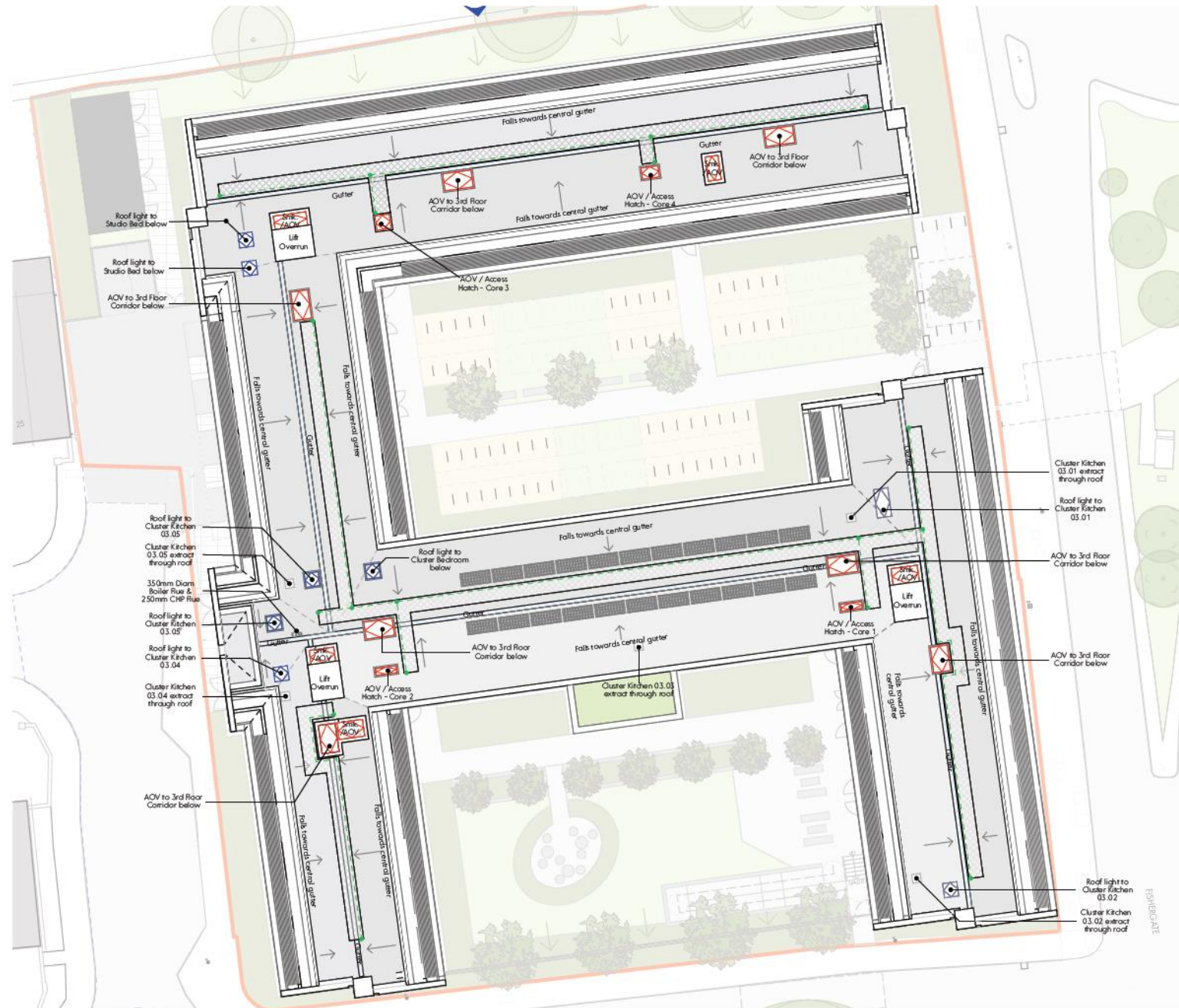
OLYMPIAN

Proposed Third Floor Plan

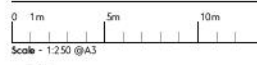
Name:	2101-GWP-01-03-DR-A-(PA)-0015		
Scale:	1:250@A3	Revision:	PA10
Drawn/Checked:	DE/DT	Final Issue:	18.06.21
Drawing Status:	D - Planning		

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Proposed Roof Plan



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- Site Development Boundary
- Extent of Site Title
- Roof access walkway
- Fall Arrest System - Design and detail by specialist
- Drainage gutter
- Drainage falls - as indicated
- AOV to smokeshaft - Serving up to Second Floor
- Combined AOV/Roof Access Hatch to stair cores
- PV Panels - 22 No. 2094 x 1038mm @ 30°
- Roof Light

Rev	Date	Comment	Dr
RK10	22.11.21	Revised to comments	Dr
RK09	05.10.21	Revised to reflect changes to drawing 0012	Dr
RK08	24.09.21	Revised to comments. Cables amended. Substation location and size amended	Dr
RK07	18.08.21	Revised to comments received from Fire Engineer	Dr
RK06	11.08.21	Substation location amended	Dr
RK05	28.06.21	Core 3 Smoke shaft relocated	Dr
RK04	25.06.21	PV quantity confirmed	Dr
RK03	23.06.21	Revised to comments	Dr
RK02	22.06.21	Roof Lights to kitchens added	Dr
RK01	18.06.21	First Issue	Dr

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GWP 001 Reference

145112101

Job Title
Rialto House, Fishergate, York

Client

OLYMPIAN

Proposed Roof Plan

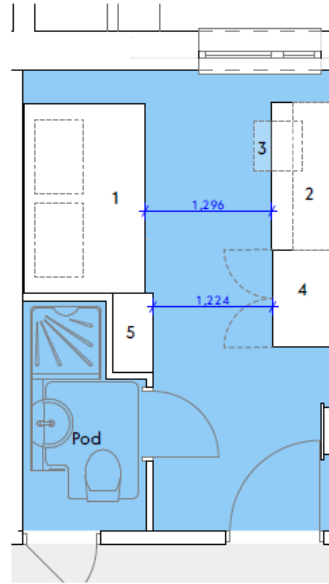
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Scale	1:250@A3	Revision	PAJ 0
Drawn/Checked	DE/DT	First Issue	18.06.21

Drawing Status: D - Planning

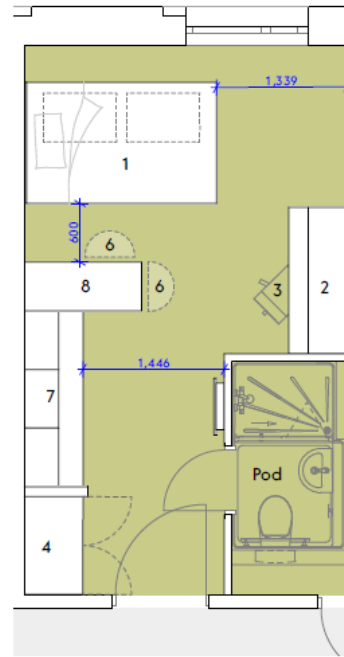
Approved by: [Signature] / [Name] / [Title] / [Date]



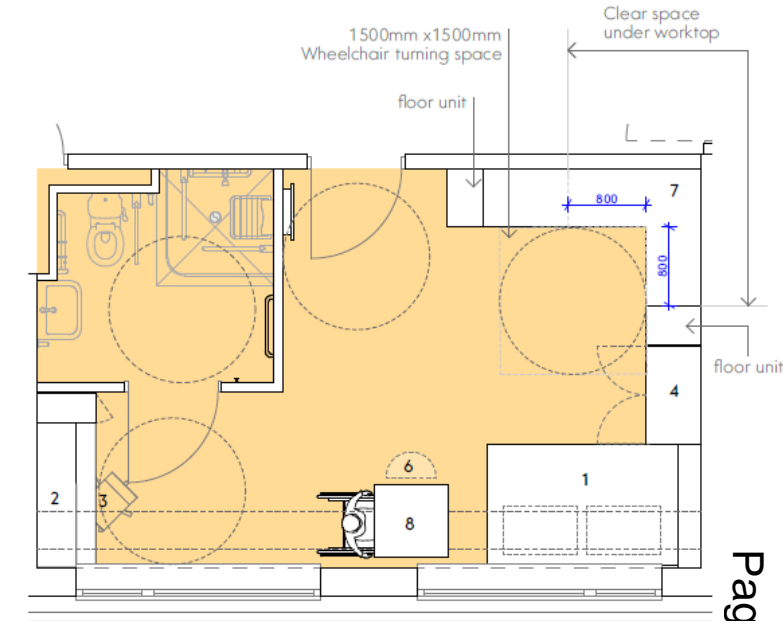
Typical Bedroom Types



Typical Cluster Study Bedroom - 190 No. Unit Shown 12.5m²



Typical Studio Bedroom - 82 No. Unit Shown 18m²



Typical DDA Studio Bedroom - 4 No. Unit Shown 27.8m²

Cluster Study Bedroom		
TYPE	Area	Quantity
TYPE 01	12.5m ²	160
TYPE 02	13.2m ²	17
TYPE 03	17.6m ²	1
TYPE 04	21.1m ²	1
TYPE 05	14.8m ²	11

Studio Bedroom		
TYPE	Area	Quantity
TYPE 01	18m ²	67
TYPE 02	20.6m ²	12
TYPE 03	29.2m ²	1
TYPE 04	18.9m ²	1
TYPE 06	31.0m ²	1

DDA Studio Bedroom		
TYPE	Area	Quantity
TYPE 01	26.5m ²	3
TYPE 02	27.8m ²	1

List of furniture:

1. double bed
2. desk
3. chair
4. wardrobe
5. shelving unit
6. potential chairs
7. kitchenette
8. table



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 Scale - 1:50 @A3

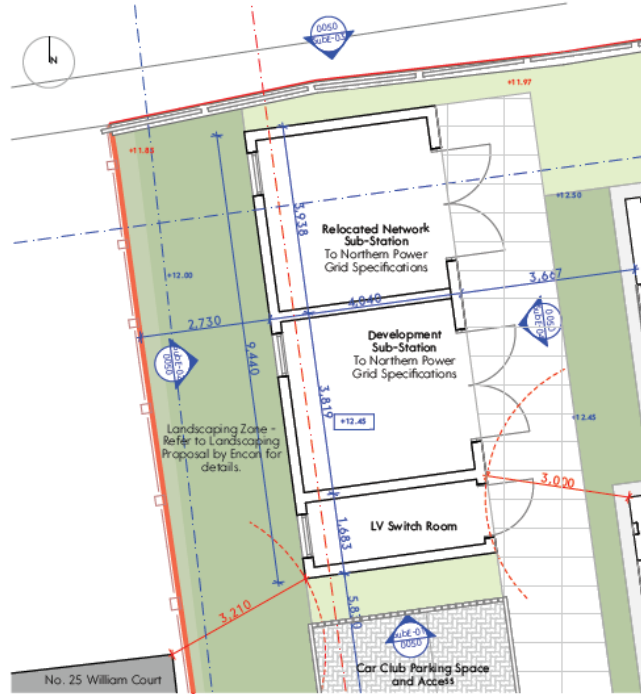
Rev	Date	Comment	Dr	Ch
PA05	29.09.21	Room quantum's updated inline with revised plans	DE	DT
PA04	12.09.21	General update	CI	CI
PA03	30.04.21	Scale note revised	DE	DT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
OLYMPIAN

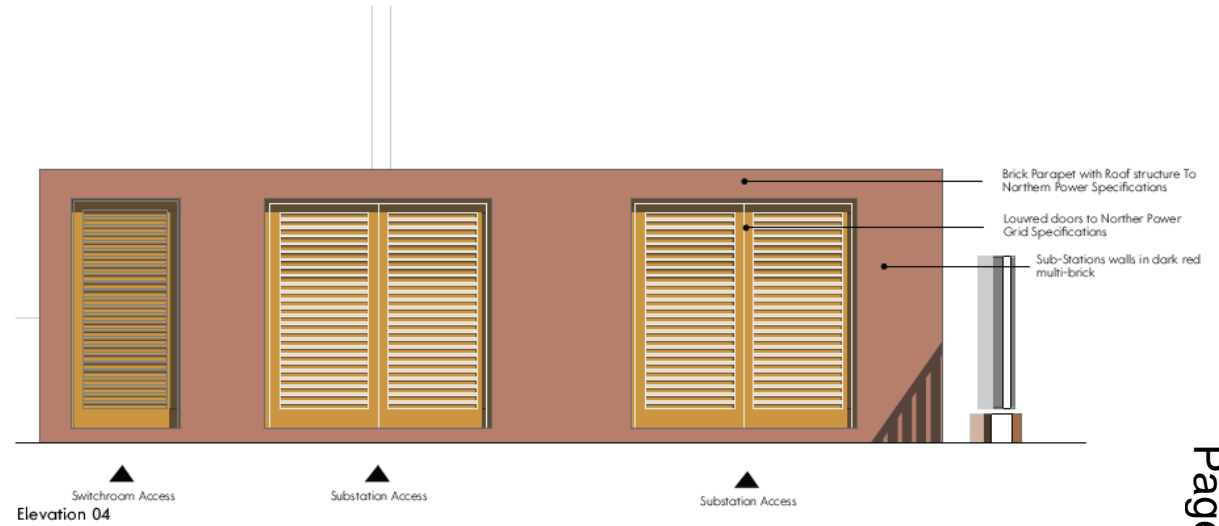
Typical Bedroom Types	
Name	2101-GWP-01-XX-DR-A-(PA)-0060
Scale	1:50@A3
Revision	PA05
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



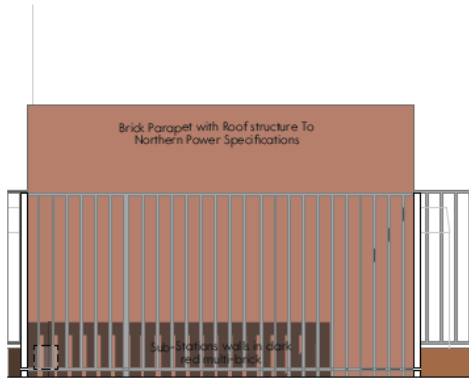
Proposed Sub Station



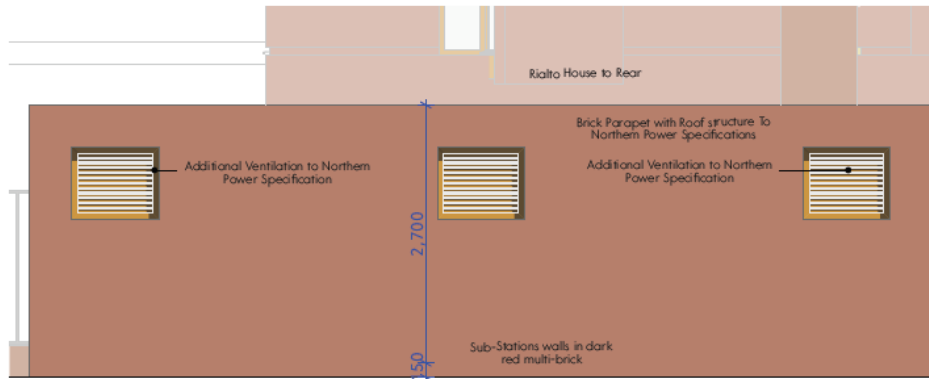
Sub-Station - Ground Floor Plan



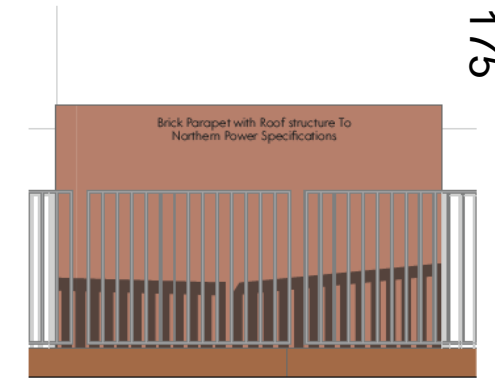
Elevation 04



Elevation 01



Elevation 02



Elevation 03



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Scale - 1:50 @A3

Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Minor Graphical Amendments	DE	KT
PA05	29.09.21	Updated to reflect design development	IF	DE
PA04	11.08.21	Substation location amended	IF	DE
PA03	30.04.21	Scale notes revised	DE	KT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

GWP Job Reference: (45)12101

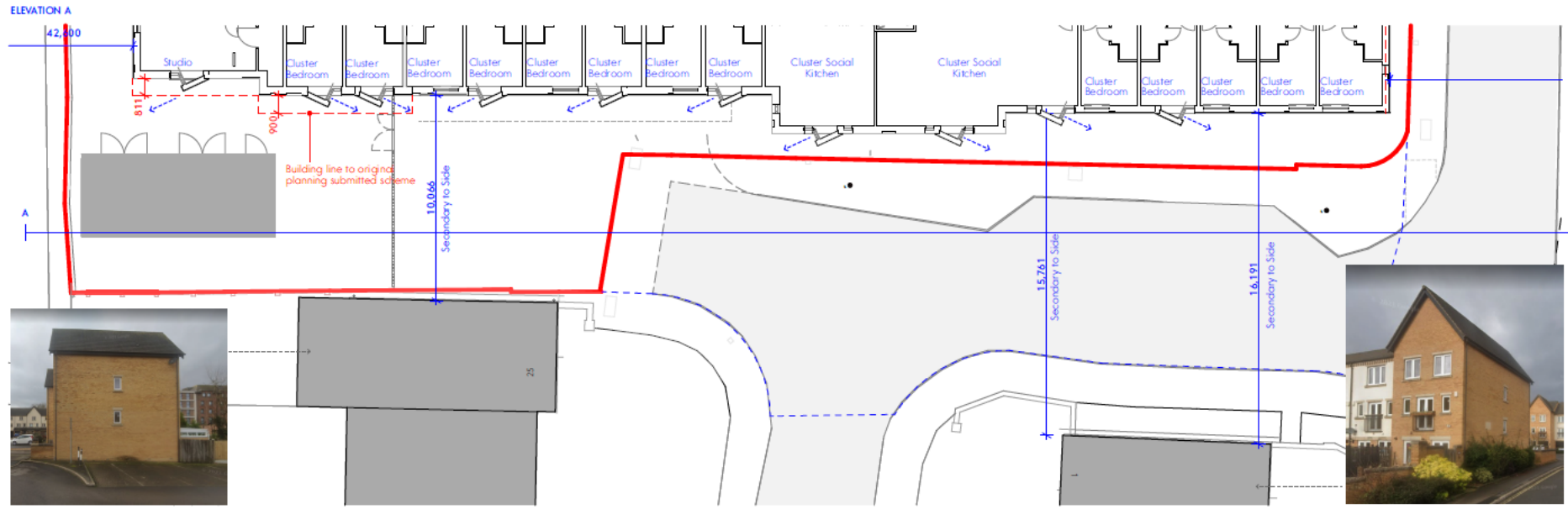
Rialto House, Fishergate, York

OLYMPIAN

Proposed Sub Station	
Name	2101-GWP-01-00-DR-A-(PA)-0050
Scale	1:50@A3
Revision	PA.06
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



William Court – Overlooking Study



William Court no 25

William Court no 1



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Scale: 1:200 A3

- KEY:**
- Opaque
 - Transparent
 - Translucent windows set back behind louvers
 - Spandrel panel
 - Lowered service doors
 - Splayed Windows
 - Views from Splayed Windows

Rev	Date	Comment	Dr	Ch
PA01	29.09.21	Updated to reflect plan on comment	IF	DE

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

William Court - Overlooking	
Name: 2101-GWP-01-XX-DR-A-(PA)-0062	Revision: PA01
Scale: 1:200@A3	First Issue: 31.08.21
Drawn/Checked: CT / DT	Drawing Status: D - Planning



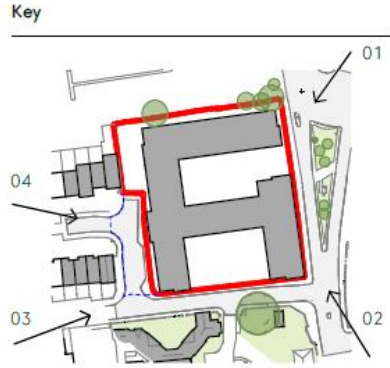
Existing and Proposed Render (1)



Existing View



Proposed View 01 Looking South From Fishergate Road



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will be returned to the Architect.



GWP Job Reference		(451)2101
Job Title		Rialto House, Fishergate, York
Client		OLYMPIAN
Rev	Date	Comment
PA04	05.10.21	Formal issue
PA03	24.09.21	Issued for comments - Draft issue
PA02	23.05.21	Revised to comments
PA01	18.06.21	First issue
Dr		Ch

Render 1	
Name	2101-GWP-01-XX-VS-A-(PA)-0045
Scale	N/A
Revision	PA/04
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning

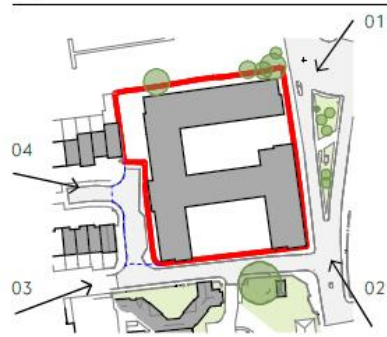


Existing and Proposed Render (2)



Existing View

Key



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Proposed View 02 Looking West Down Blue Bridge Lane

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Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DI
PA03	28.09.21	Issued for comments - Draft Issue	DE	DI
PA02	23.06.21	Revised to comments	DE	DI
PA01	18.06.21	First Issue	DE	DI

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

Render 2	
Name: 2101-GWP-01-XX-VS-A-(PA)-0046	
Scale: N/A	Revision: PA.04
Drawn/Checked: DE / DI	First Issue: 18.06.21
Drawing Status: D - Planning	



Existing and Proposed Render (3)

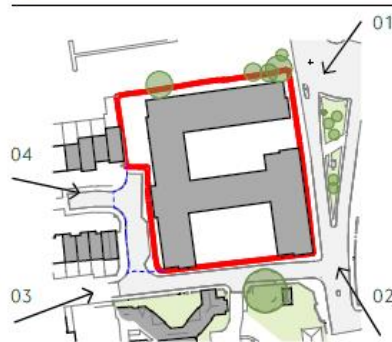


Existing View



Proposed View 03 Looking East Down Blue Bridge Lane

Key



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 If work is to be carried out in accordance with current Building Regulations, notices, or the job before commencing any work or other, do not scale off drawing. Do not take digital photos of the drawing.



Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DT
PA03	28.09.21	Issued for comments - Draft issue	DE	DT
PA02	23.04.21	Revised to comments	DE	DT
PA01	18.04.21	First issue	DE	DT

GWP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York
 Client: OLYMPIAN

Render 3			
Name: 2101-GWP-01-XX-VS-A-(PA)-0047			
Scale: N/A	Revision: PA04		
Drawn/Checked: DE / DT	First Issue: 18.04.21		
Drawing Status: D - Planning			



Existing and Proposed Render (4)



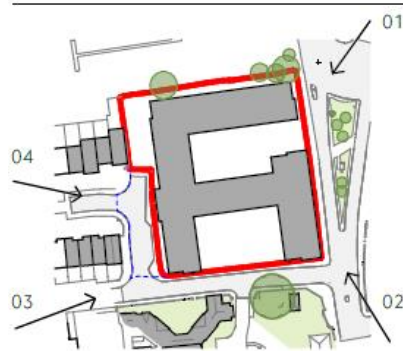
Existing View



Proposed View 04 Looking East From William Court

Page 180

Key



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Rev	Date	Comment	Dr	Ch
PA04	05.10.21	Formal issue	DE	DT
PA03	28.09.21	Issued for comments - Draft issue	DE	DT
PA02	23.08.21	Revised to comments	DE	DT
PA01	18.06.21	First issue	DE	DT

GMP Job Reference: (451)2101
 Job Title: Rialto House, Fishergate, York



Render 4	
Name	2101-GWP-01-XX-VS-A-(PA)-0048
Scale	N/A
Revision	PA04
Drawn/Checked	DE / DT
First Issue	18.06.21
Drawing Status	D - Planning



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 considered that this will significantly detract from the aesthetic value of the building. It also offers a way of improving the accessibility of the building as a whole without unduly comprising the internal space. We welcome the gradual regrading of the pavement in order to avoid the introducing of new steps, ramps and railings. We

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

3.11. 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

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- 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 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 has also been 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

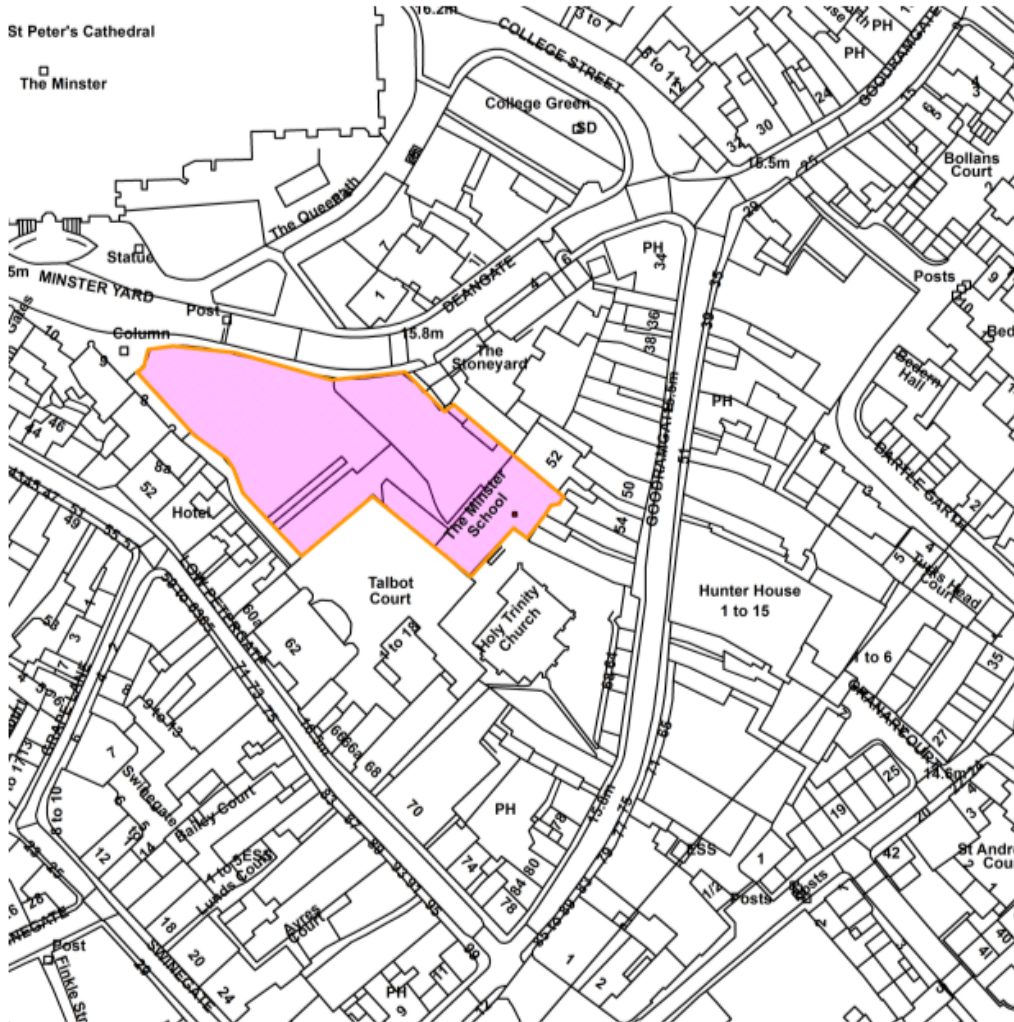
Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877

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The Minster School, Deangate, York YO1 7JA

21/01535/FUL



Scale : 1:1256

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	23 November 2021
SLA Number	

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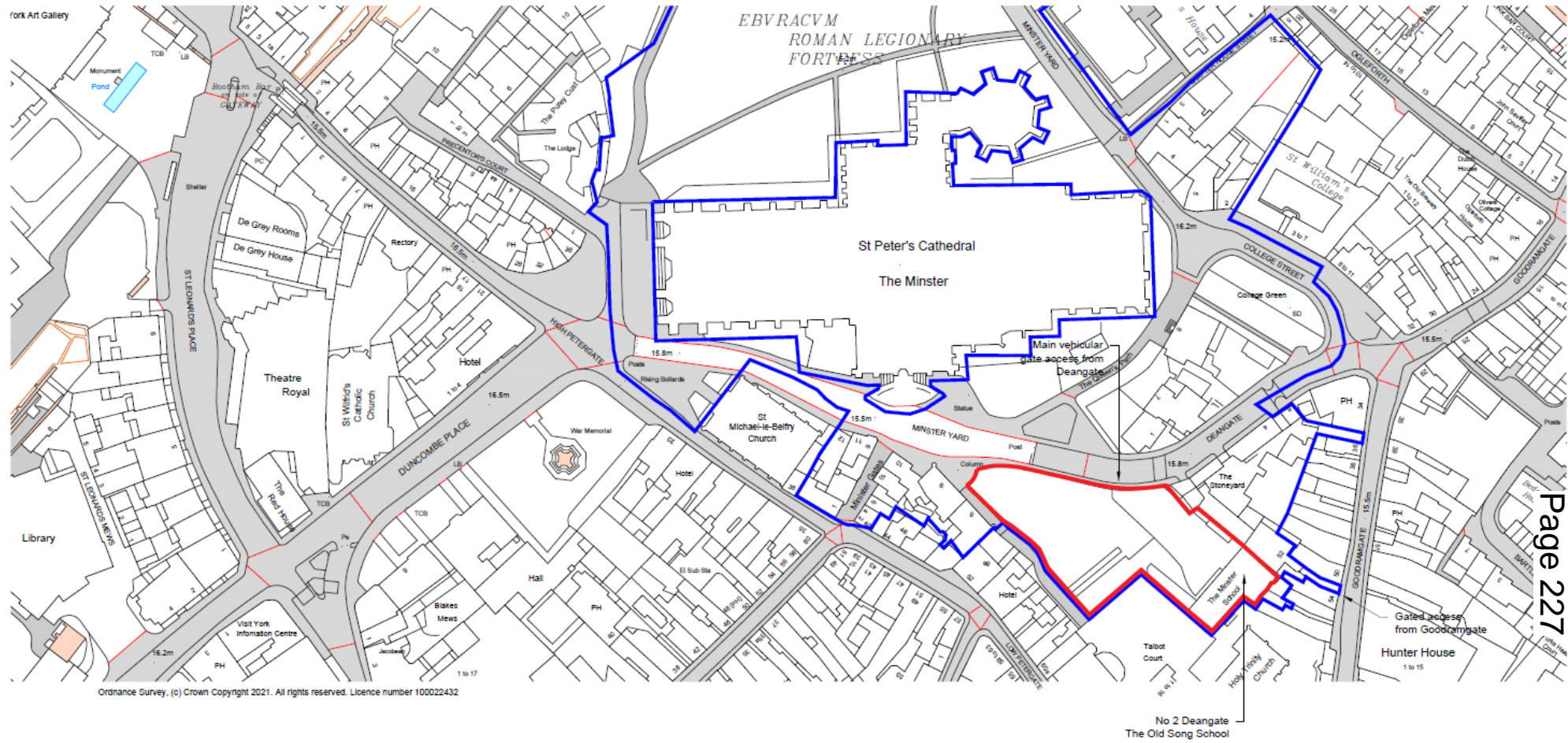
Planning Committee

To be held on Thursday 2nd December 2021

21/01535/FUL and 21/01536/LBC - The Minster School, Deangate, York

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.

Site Location Plan



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No.	Date	Drn.	Chgd.	Description
01	15.06.21	ALS	ajs	OS Licence Updated, blue line boundary amended

Key Plan

- Old Song School (The York Minster Refectory)
- Ownership of Land

North Arrow

Scale: 1:1250

0 125m

Stage 2 - For Planning Not for construction

CLIENT	York Minster	SCALE	1:1250 (A3)	SHEET	11 OF 21
PROJECT	The York Minster Refectory	DRAWN	NY	CHECKED	ajs
DRAWING TITLE	Site Location Plan	JOB NUMBER	122-3 (EX)000	REVISION	2.01

CAROE ARCHITECTURE

CAROE ARCHITECTURE LTD
Office: 5, Oak St, 20-21 Cavendish St, Cambridge CB1 2JG
Tel: 01223 472 337
www.caroe.com

The Surveyor's Office
St Paul's Cathedral
London EC4A 3DF
Tel: 0207 468 341

West Elevation and Site Frontage – View from Deangate



West Elevation –
View from Deangate
(2)



Page 229

View toward North
Flank and Location of
Lift

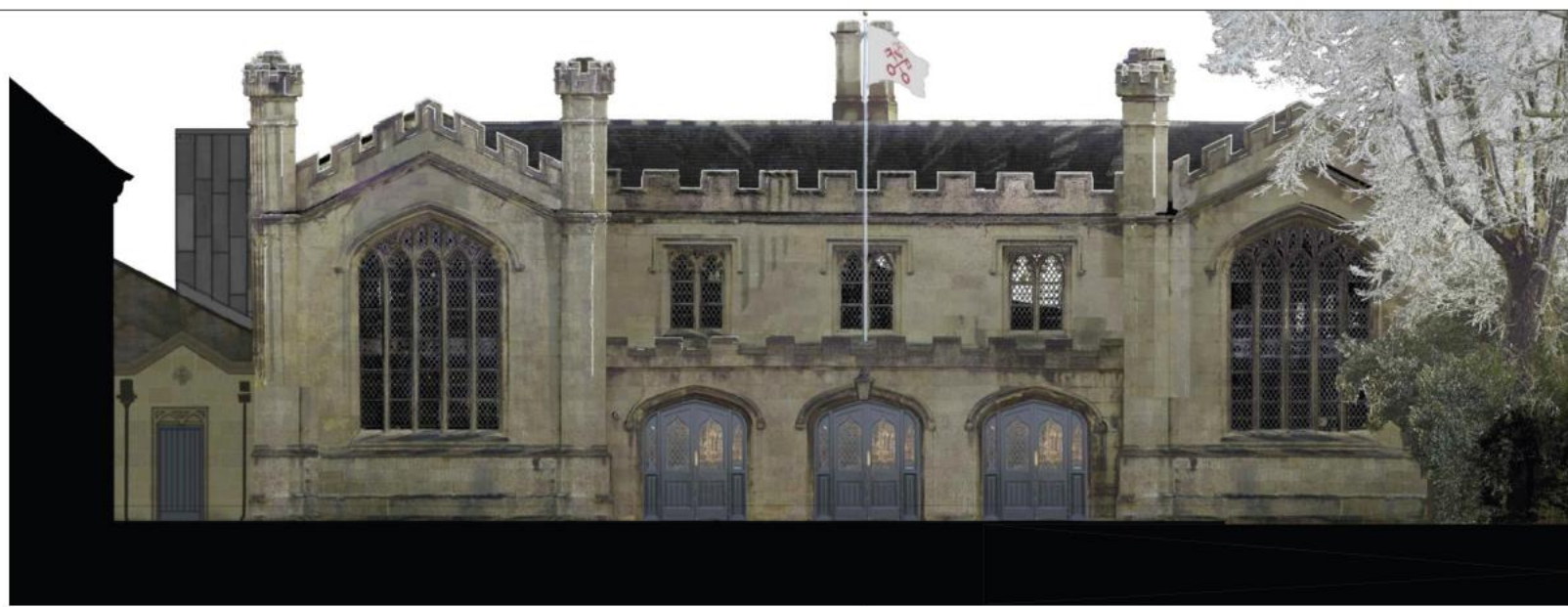


View toward York Minster



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Proposed West Elevation



West Elevation - Facing York Minster

Materials Key:

- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed refer to Drwg (GA) 200 for notes
- 03 PV Slaties - refer to Drwg (GA) 200 for notes
- 04 Terme Coated (lead coloured) stainless steel clad lift shaft
- 05 Painted timber doors and with leaded glazing, existing adapted
- 06 Chimneys - unused - existing
- 07 New painted timber boarded door in existing, adapted stone surround
- 08 Discrete LED downlights on slim stainless steel projecting arms
- 09 New flag pole on new brackets, replacing existing broken flag pole brackets
- 10 Existing windows, glazing, lead comes and opening lights all refurbished
- 11 Existing lantern and bracket refurbished / replaced with new



Rev.	Date	Drn.	Chkd.	Description
2.01	11.05.21	AJS	ajs	Photomontage updated
2.02	17.05.21	AJS / NY	ajs	Side door amended, photomontage updated
2.03	16.11.21	AJS	ajs	Note 2 and 3 amended - PV slates in lieu of PV panels, West Elevation and visual amended to suit.

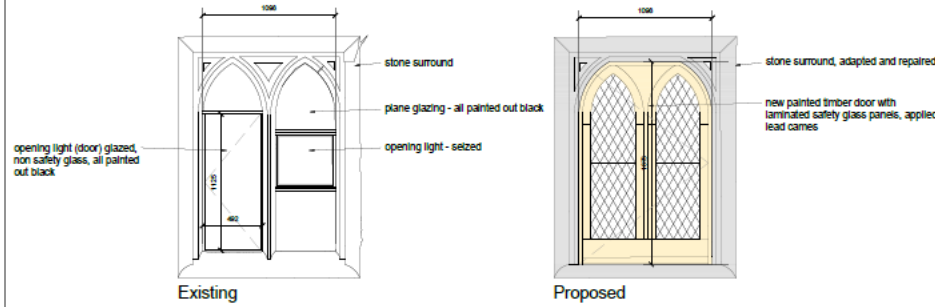


General notes:
 Never scale dimensions from this drawing. Use written dimensions only. Report any discrepancies. Ask if in doubt. Always use latest revision.
 Note that this drawing is based on dimensional surveys by others, therefore the verification of dimensional information is particularly important.
 Read in conjunction with other information from CAI, and other consultants.
 Notes:

Stage 2 - For Planning		Not for construction	
CLIENT York Minster	SCALE 1:50 (A1) / 1:100 (A3)	DATE 11.05.21	
PROJECT The York Minster Refractory	DRAWN AJS	CHECKED ajs	
DRAWING TITLE West Elevation (Main)	JOB NUMBER 122-3	DRAWING NO. (GA)400	REVISION 2.03

CAROE ARCHITECTURE
 CAROE ARCHITECTURE LTD
 OFFICE 5, ONE 8, TWO 24
 CAMBRIDGE CB2 1UB
 LONDON EC4M 8AD
 TEL: 0223 872 237
 WWW.CAROE.COM

Proposed East Elevation



05 Existing Fire Escape Window Adaptation, 1:20

Materials Key:

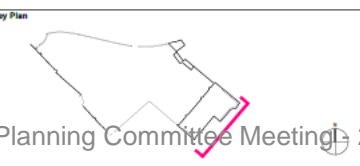
- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed, refer to Drwg (GA) 200 for notes
- 03 PV Slates - refer to Drwg (GA) 200 for notes
- 04 Terre Coated (lead coloured) stainless steel clad lift shaft
- 05 Existing Fire Exit Window - adapted to Fire Exit Door - refer to detail
- 06 Chimneys - unused - existing
- 07 New Supply and extract terminals flush with slates, colour to match slates
- 08 PPC Aluminium louvre, colour as cladding
- 09 Galvanised ladder with mansafe channel and pop up safety post
- 10 Fall restraint post
- 11 Kitchen extract, filters and attenuation
- 12 Existing windows, glazing, lead cames and opening lights all refurbished
- 13 Stone Slate - roof renewed on like for like basis with new build up
- 14 New bulkhead lights - in existing locations
- 15 New cast aluminium rainwater goods replacing defective existing cast iron and plastic rainwater goods
- 16 Galvanised Fire Escape Stair - existing retained
- 17 New emergency floodlight replacing existing in existing location
- 18 PPC aluminium rwdp and hopper, colour to match cladding
- 19 Screen - 1.8m high



East Elevation - Facing Holy Trinity Church



Rev.	Date	Drn.	Chkd.	Description
1.01	17.06.21	AJS	ajs	Notes added
2.02	16.11.21	AJS	ajs	Note 2 and 3 amended - PV slate in lieu of PV panels, East Elevation amended to suit DRWG PREFIX CORRECTED



General notes:
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 Read in conjunction with other information from CAL and other consultants.
Notes:

Stage 2 - For Planning Not for construction

CLIENT	SCALE	DATE
York Minister	1:50 + 1:20 (A3) / 1:100 (A3)	11.05.21
PROJECT	DRAWN	CHECKED
The York Minister Refectory	AJS	ajs
DRAWING TITLE	JOB NUMBER	SCALE/NO.
East Elevation (Church Yard)	122-3	(GA)401
As Proposed		2.02

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 GAROE ARCHITECTURE LTD
 OFFICE 5, SHARPS, 23-25 GUILDHALL
 CAMBRIDGE CB2 3JG
 TEL: 01223 472 237
 WWW.CAROE.COM

Proposed North and South Elevations

Materials Key:

- 01 Stone - Ashlar, Limestone - existing
- 02 Slate - roof renewed, refer to Drwg (GA) 200 for notes
- 03 Existing Opening Roof Lights - refurbished / replaced in existing openings
- 04 Terme Coated (lead coloured) stainless steel clad lift shaft
- 05 New lead 'dormer' for kitchen extract routing on 'blind side' of existing roof
- 06 Discrete LED downlights on slim stainless steel projecting arms
- 07 New extract terminal in existing locations
- 08 Existing SVP
- 09 Galvanised ladder with mansafe channel and pop up safety post
- 10 Fall restraint post
- 11 Kitchen extract, filters and attenuation
- 12 Existing windows, glazing, lead cames and opening lights (to be sealed) all refurbished - * Opaque privacy film to inside face - extent as shown
- 13 Stone Slate - roof renewed on like for like basis
- 14 Existing lead RWDP and hopper - repaired
- 15 New cast aluminium rainwater goods replacing defective existing cast iron and plastic rainwater goods
- 16 Galvanised Fire Escape Stair - existing retained
- 17 New emergency floodlight replacing existing in existing location
- 18 New door in place of existing window
- 19 Solid acoustic barrier - 1.8m high
- 20 Internal floor level raised locally
- 21 External levels raised - refer to Landscape proposals
- 22 New slot drain to perimeter at junction with building
- 23 Existing window - currently concealed by masonry - opened up and adapted
- 24 Existing wall mounted light replaced with new equivalent
- 25 Existing window and section of wall removed for lift
- 26 Existing plasterboard ceiling removed and replaced with new



South Elevation - Facing Gardens



North Elevation - Facing Stone Yard



Rev.	Date	Drn.	Chkd.	Description
1.01	15.06.21	AS	ajp	Roof plant amended
2.02	16.11.21	AS	ajp	Note 2 amended



General notes:
 Never scale dimensions from this drawing. Use written dimensions only. Report any discrepancies. Ask if in doubt. Always use latest revision.
 Note that this drawing is based on dimensional surveys by others, therefore site verification of dimensional information is particularly important.
 Read in conjunction with other information from CAL and other consultants.
Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	York Minister	SCALE	1:50 (A1) / 1:100 (A3)
PROJECT	The York Minister Refectory	DRAWN	AS
DRAWING TITLE	North Elevation / Section (Facing Stoneyard)	DOS NUMBER	122-3 (GA)402
As Proposed	Roof plant amended	DRAWING NO.	2.02
		<small> CAROE ARCHITECTURE LTD OFFICE 1, Unit 8, 10-12 Gwyndwr St CAMBRIDGE CB2 3JG TEL: 01223 472300 WWW.CAROE.COM </small>	

Proposed Sections

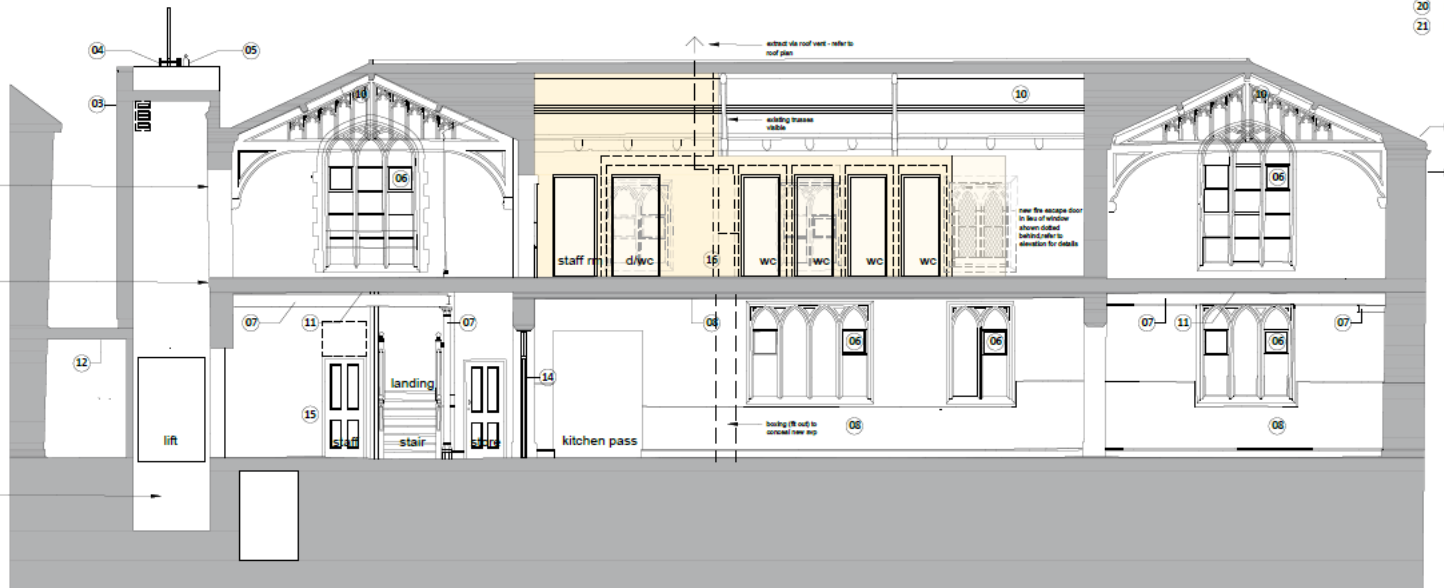


Section B-B, Proposed



17 Entrance Screen Door - Modified for Level Access, approx 1: 20 @ A1

- Materials Key:**
- 01 Roof renewed - refer to Draw (GA) 200 for notes
 - 02 Stone - Ashlar, Limestone - existing
 - 03 Terme Coated (lead coloured) stainless steel clad lift shaft
 - 04 Galvanised ladder with mansafe channel and pop up safety post
 - 05 Fall restraint post
 - 06 Existing windows, glazing, lead cames refurbished - safety film to be applied to in lieu of existing glass replacement where necessary
 - 07 Existing exposed steelwork - to receive intumescent paint fire protection
 - 08 Existing timber wainscot paneling, dado and skirtings
 - 09 Existing plasterboard ceiling tiles removed and replaced with 2 layers fire rated plasterboard
 - 10 Existing lath and plaster skirtings
 - 11 Allowance for overboarding ceiling with fire rated plasterboard
 - 12 Existing plasterboard ceiling removed and replaced with new
 - 13 Existing suspended ceiling tiles removed, lath and plaster ceiling reinstated
 - 14 New FR rated glazed door and screen - details tbc in Fit Out
 - 15 Existing opening (no door) with existing glazed fan light - fan light removed and infilled, new FR door
 - 16 New staff and customer facilities - timber stud and plasterboard construction, new timber doors - details tbc in Fit Out
 - 17 Existing glazed doors and screens - retained and adapted to suit new levels providing level access
 - 18 Internal stone flags raised and reinstated at higher level to provide level access. Some new paving required to replace worn and broken, including at worn thresholds, to minimise trip hazards.
 - 19 External levels raised - refer to Landscape proposals
 - 20 New slot drain to perimeter at junction with building
 - 21 New flag pole and associated brackets



Section A-A, Proposed

General Note - Roof repairs:
~~Note Removed~~
 Refer to (GA) 200 - Roof Plan as Propos



Rev.	Date	Des.	CHKD.	Description
2.02	16.06.21	AJS	ajs	Notes amended
2.02	16.11.21	AJS	ajs	Note 1 amended, General Roof Note removed

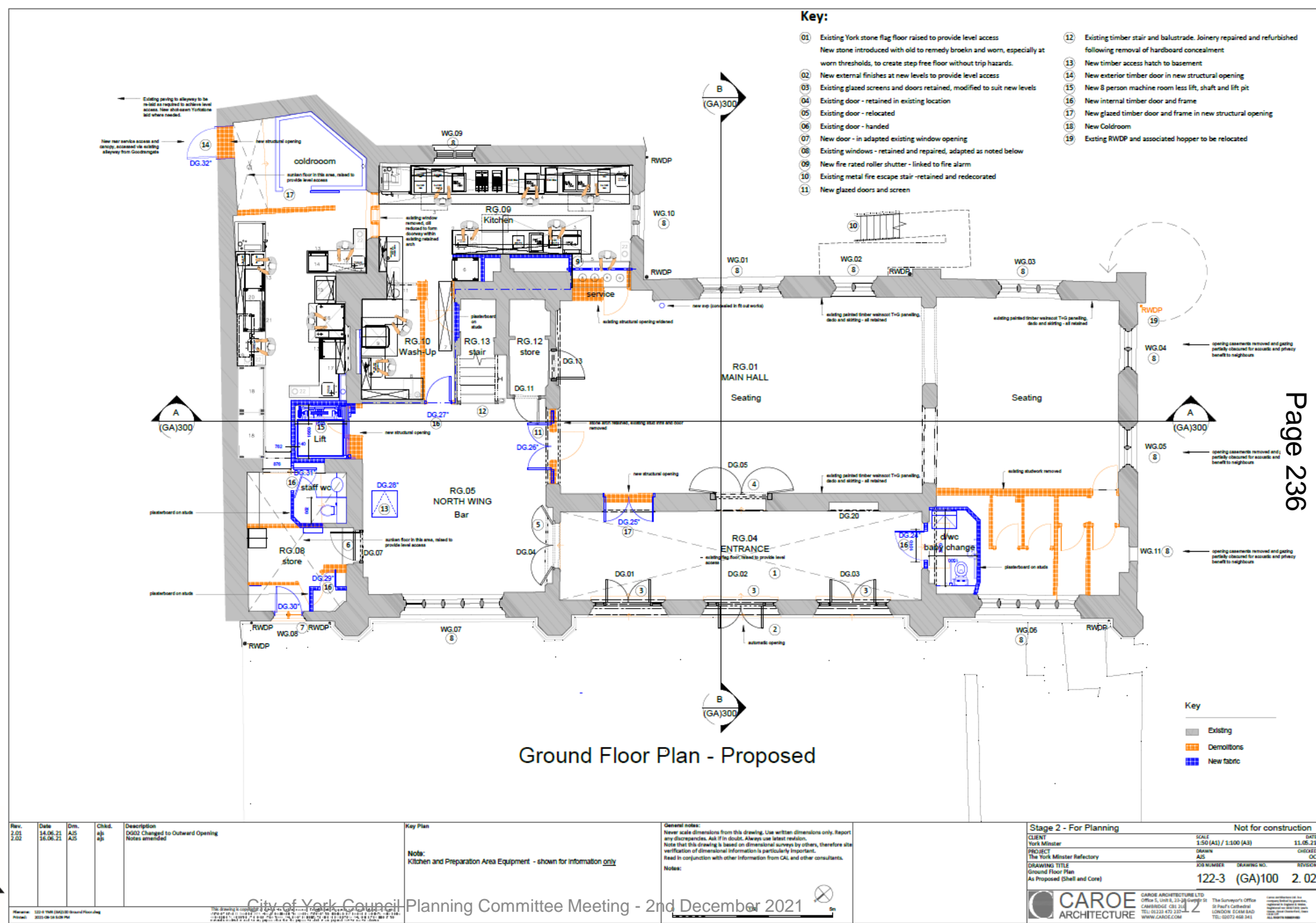
Key Plan



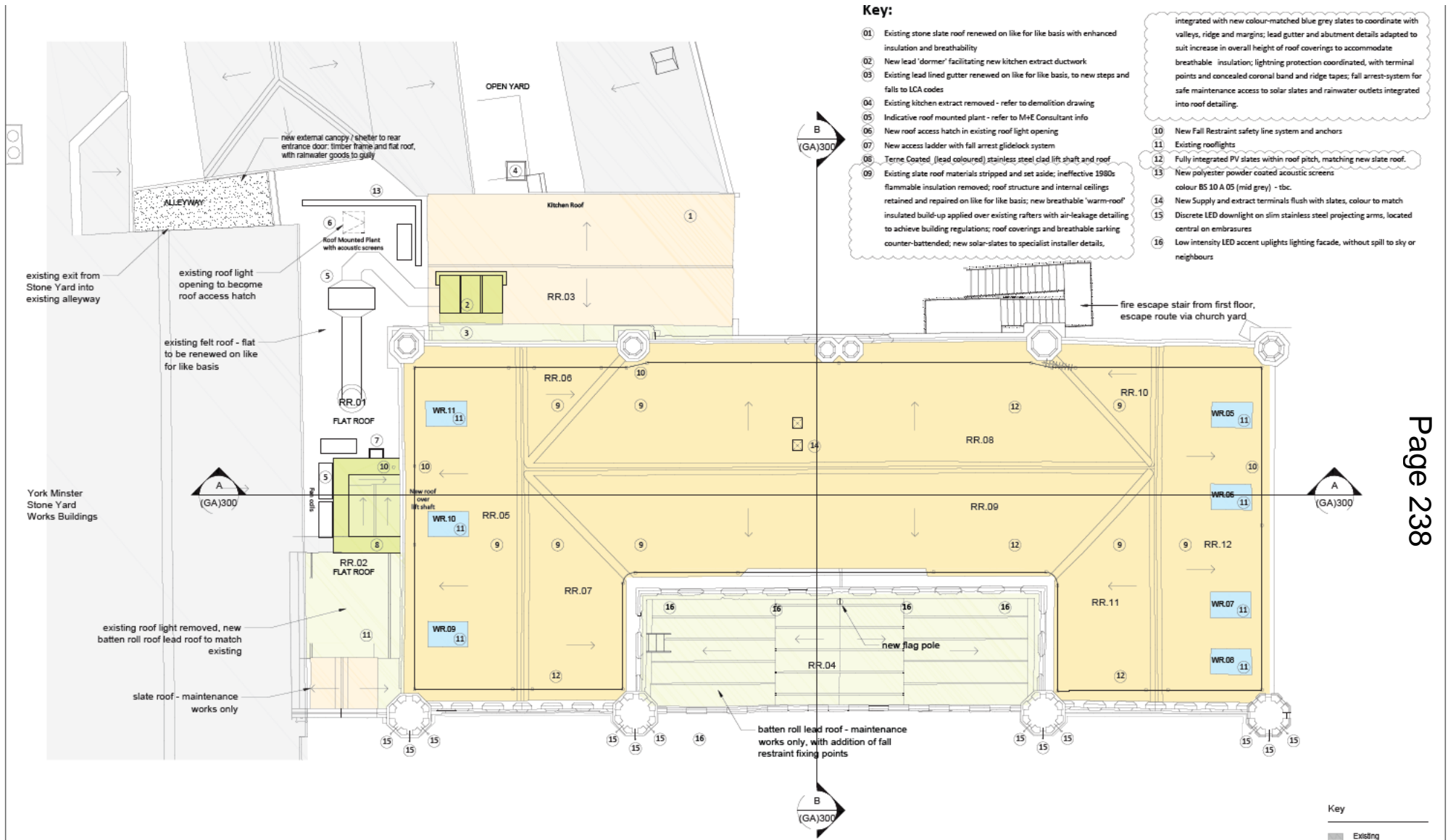
General notes:
 Show scale dimensions from this drawing. Use written dimensions only. Report any discrepancies. Ask if in doubt. Always use latest revision.
 Note that this drawing is based on dimensional surveys by others, therefore site verification of dimensional information is particularly important.
 Read in conjunction with other information from CAI and other consultants.
Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	York Minister	SCALE	1: 50 @ A3, 1:100 @ A3
PROJECT	THE YORK MINISTER REFECTORY	CHECKED	14.06.21
DRAWING TITLE	Section A-A and Section B-B, Proposed, Entrance Door Detail	DRAWN	OC
JOB NUMBER	122-3 (GA) 300	DRAWING NO.	2.02
		THE SURVEYOR'S OFFICE 29 PAUL COURTNEY LONDON EC4M 8AD TEL: 02077 468 841	

Proposed Ground Floor Plan



Proposed Roof Plan



Roof Plan - Proposed



Rev.	Date	Drn.	Chkd.	Description
2.01	17.09.21	AIS	ais	Roof plan amended, notes added
2.02	15.11.21	AIS	ais	Type of PV system changed to fully integrated PV slates. Notes 9 and 12 amended.

Key	Description
Existing	Existing

General notes:
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Notes:

Stage 2 - For Planning		Not for construction	
CLIENT	YORK MINSTER	SCALE	1:50 (A1) / 1:100 (A3)
PROJECT	The York Minster Refectory	DRAWN	AKS
DRAWING TITLE	Roof Plan As Proposed	CHECKED	AKS
ISS NUMBER	122-3 (GA)200	REVISION	2.02

Proposed Landscape Plan



Proposed Landscape Sections



0002 Section/elevation: axial route looking towards Stoneyard
01 1:100

- Notes**
1. All dimensions in mm, unless otherwise stated.
 2. Scaling from drawing if printed incorrectly may lead to errors.
 3. All information outside red line boundary shown for contextual purpose only.
 4. This drawing is to be read in conjunction with the following re-form landscape architecture consultation:
 • OS76-RFM-XX-00-01-L-0001
 General Arrangement Plan
 AND all relevant documentation from the design team.
 5. Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information.
 7. Any discrepancies in the design information are to be brought to the attention of re-form landscape architecture, in writing, prior to commencement of construction works.



0002 Section/elevation: axial route looking towards High Petergate
02



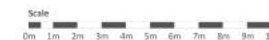
0002 Section/elevation: public green space looking towards the Refectory
03 1:100



Section location plan 1:500



0002 Section/elevation: external dining space looking towards the Refectory
04 1:100



27/09/22	Revision of plan to R002-03 amended PL	PL	ED	PL02
15/09/22	Planning consultation	PL	ED	PL01
Date	Description of revision	Drawn By	Checked	Approved/Reviewed By

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Scale
1:200

S3

Revision
PL02



Example of PV Slates



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COMMITTEE REPORT

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

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

Recommendation: Approve

1.0 PROPOSAL

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

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

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

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

RELEVANT PLANNING HISTORY

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

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

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

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

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.7. The DLP was submitted for examination on 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).

2.8. Key relevant DLP 2018 policies are:

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

MINSTER NEIGHBOURHOOD PLAN (Submission Draft April 2021)

2.9. The York Minster Precinct Neighbourhood Plan was submitted to the City of York Council for independent examination on 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
- PA1 – Minster Yard and College Green

DRAFT LOCAL PLAN 2005

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

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

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

3.0 CONSULTATIONS

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

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

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

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

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

3.5. A further consultation response was received from Historic England on 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

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

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

4.0 REPRESENTATIONS

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

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

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

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

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

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

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

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

5.0 APPRAISAL

Key Issues

- Impact upon the Listed Building and other Heritage Assets.

IMPACT UPON THE LISTED BUILDING AND OTHER HERITAGE ASSETS

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

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

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

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

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

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

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

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

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

applied. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.45. As the above report sets out. The proposed development will result in less than substantial harm being caused to the character and setting of the Listed Building, the Conservation Area and therefore the Minster Precinct. This less than substantial harm is considered to be toward the moderate-low end of the scale. Referring back to paragraph 202 of the NPPF which states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, securing its optimum viable use.

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

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

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

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

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

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

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

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

6.0 CONCLUSION

6.1. Regard is had to advice in paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to the harm to a listed

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

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

7.0 RECOMMENDATION: Approve

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Application Reference Number: 21/01536/LBC

Item No:

Rev 2.01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.0 INFORMATIVES:

Notes to Applicant

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

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

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

Application Reference Number: 21/01536/LBC

Item No:

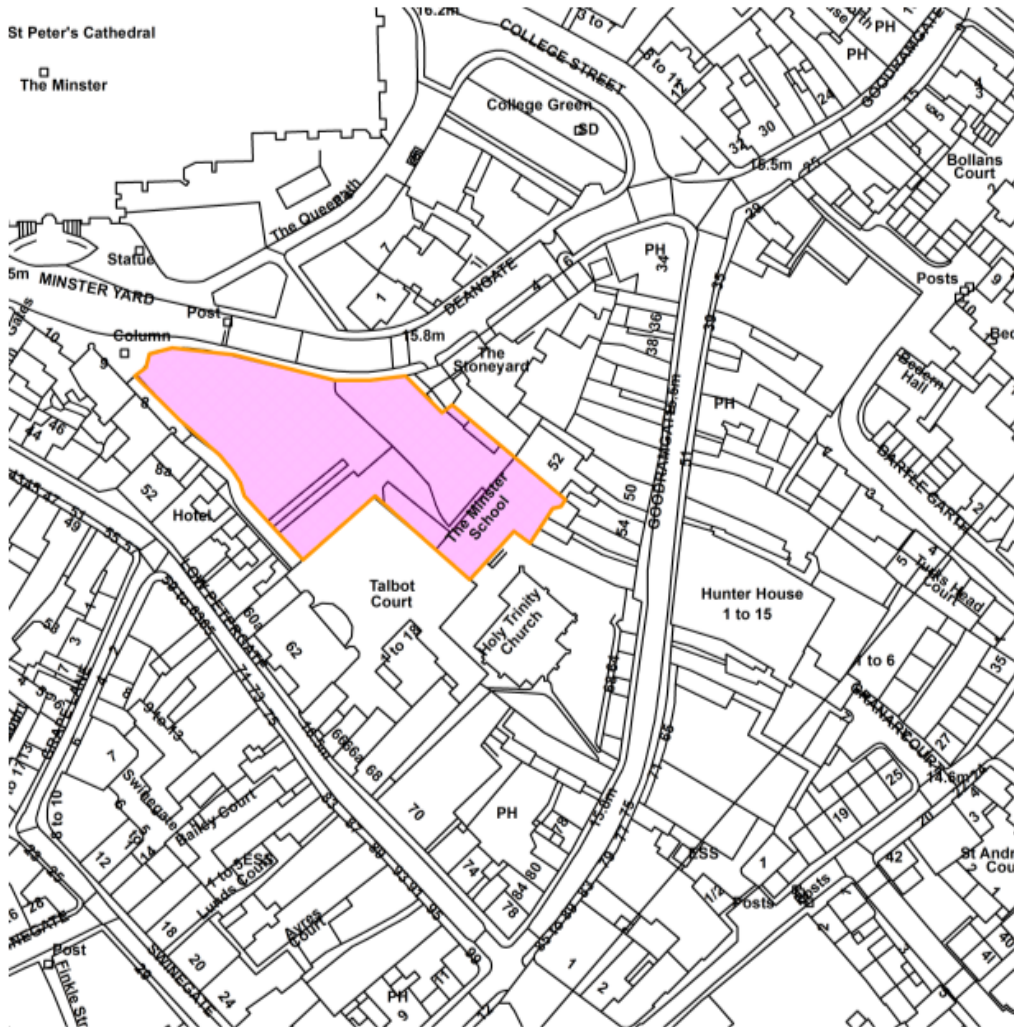
Contact details:

Case Officer: Mark Baldry

Tel No: 01904 552877

The Minster School, Deangate, York YO1 7JA

21/01536/LBC



Scale : 1:1256

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	23 November 2021
SLA Number	

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COMMITTEE REPORT

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

Reference: 21/01980/FUL
Application at: College Green Minster Yard York
For: Landscaping works including provision of seating and stepping stones
By: Mr Alexander McCallion
Application Type: Full Application
Target Date: 18 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1. Planning permission is sought for landscaping works to College Green. The works include the provision of new seating and hard landscaping features. The works also include the removal of a number of the existing trees and the replanting of replacements.

1.2. The application site is located within the Central Historic Core Conservation Area. It is also located within the Minster Precinct which is designated as a Scheduled Monument.

1.3. College Green is an existing parcel of open space located within the Minster Precinct. It is bounded on three sides by Queens Path to the North West, College Street to the North East and Deangate to the South East. The land is predominantly grassed and contains various mature trees of varying forms and sizes. The site contains existing features including benches, sun dial and information boards.

1.4. Most recently the land has been utilised as a Pop-Up outdoor seating area. This was as a part of the work led by York BID to provide enhanced outdoor spaces within the city centre to assist businesses reopening after periods of lockdown and to assist with the observing of social distancing measures as a result of the Coronavirus pandemic.

1.5. Since submission the applicant has made amendments to the scheme. These amendments were provided in response to the comments received from members of the public and other interested parties. The amendments include:

- Retention of T731 – Whitebeam within the scheme, increasing the number of existing trees to be retained.
- A reduction in the number of proposed replacement trees from 10.no to 6.no.
- The inclusion of 1.no additional broad leaf green tree on the boundary of Deangate to continue to provide a strong green frontage to College Green.
- Details on the material specifications for the stone features and paving have also been provided.

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. The policies in the NPPF are material considerations.

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 a Grade II Listed Sundial which is located within the application site.

2.5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) 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 which it possesses.

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 or appearance of the Conservation Area.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.7. The DLP 2018 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).

2.8. Key relevant DLP 2018 policies are:

- D1 – Placemaking
- D2 – Landscape and Setting
- D4 – Conservation Areas
- D6 – Archaeology

MINSTER NEIGHBOURHOOD PLAN

2.9. 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 afforded limited to moderate weight in the assessment 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:

- A2 - Sustainable Development
- A4 – Design Excellence
- B1 – Landscape and Biodiversity Net Gain
- C1 – Historic Environment
- PA1 – Minster Yard and College Green

DRAFT LOCAL PLAN 2005

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

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

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

3.0 CONSULTATIONS

3.1. Guildhall Planning Panel: Objects stating: We do not see the need for this costly and inappropriate vanity project. Only small trees should be removed. The existing mature trees provide welcome shade which new planting will not provide for many years. The seat feature is fairly innocuous but the end at an angle is odd and ugly. Flowering patches unlikely to survive if lots of people are being encouraged to use the area, wild flowers not suitable in this sort of green space.

3.2. CYC Highways: No comments received at the time of writing.

3.3. CYC Urban Design and Conservation: No comments received at the time of writing.

3.4. CYC Archaeologist: No objections raised subject to conditions being attached to the grant of any permission to secure a watching brief over the development.

3.5. CYC Landscape Officer: No comments received at the time of writing.

3.6. Historic England: No objections raised on heritage grounds. They note: ‘The gentle curve of the sculptural seating feature will focus on, and draw attention to, not only the Minster but also the Grade I listed St Williams College frontage. We note that the new bench (and stepping stones) are to be made from hand cut Tadcaster Magnesium Limestone from Highmore quarry and is to be carved by the Minster Stone Mason’s. This is very much supported as a high-quality response and it will not only match the Minster but also be a high-quality response befitting the character and appearance of the Conservation Area.

4.0 REPRESENTATIONS

4.1. The application has been advertised via Neighbour Notification Letter, Site Notice and Local Press Notice. In total 6.no letters of support and 4.no letters of objection have been received – these have been received from a range of community interest groups, business groups and members of the public. The comments received can be summarised as follows:

4.2. Comments in support

- York Rotary express support to the proposed works. We like the increased use of College Green as has happened over the last two summers, but a scheme of permanent seating and revised landscaping, of the nature proposed, will be more in keeping with an area adjacent to the east end of York Minster and St William’s College than the temporary seating has been used so far.
- There are relatively few pockets of peace and quiet within the city centre where parents can sit down and relax before moving on. The feedback from families on the new seating areas installed by York BID – especially the use of College Green as a place to relax that’s slightly away from the hustle and bustle has been overwhelmingly positive. We wholeheartedly support a more permanent family-friendly green space and believe it will contribute to a better experience of York city centre for visiting and resident families.
- It’s fantastic to see some plans to help make this wonderful area more usable for residents. Many families don’t know about this great area and these should help make it more family friendly.
- York has been crying out for multi-use accessible public spaces for far too long. This application will enable the space to be enjoyed year-round by residents and visitors.
- If the Council is serious about its vision for the city centre and enabling organisations to develop new events and experiences for families then an event space like this will be a prime site. This case has already been proven with the pop-up events over the past two summers.

- Make It York are committed to the delivery of the site wide 'York Cultural Strategy' and fully support the proposed development in College Green and the benefits it will create align with the priorities of the strategy.
- York Disability Rights Forum were pleased to be involved in the planning process before it reached the planning application stage. Accessibility works best when it's built in from the start. We support this application.

4.3. **Comments in Objection**

- Our main concern is the felling of 8 mature trees in York and replacement with the usual smaller trees, where it will be 20/30 years before the multiple values including air pollution benefit the community. We have previously reported on trees in the Minster Neighbourhood Plan and haven't had a reply to it.
- Having supported the Minster Neighbourhood Plan, I must object to this application. College Green is a pleasant, attractive area which foregrounds the East Window. There is a strong diagonal desire line. The proposals frustrate the desire line and informal use of the space. A sterile and sepulchral landscape is proposed which looks like a continental war memorial. The proposed cherry trees will be splendid for only two weeks of the year. The planting beds and new footpaths look like and outdated, interwar municipal park.
- It would be preferable for College Green to be left alone and attention concentrated on tree management and the addition or more public seating.
- Although largely in favour of the proposed landscaping of College Green I do have concerns regarding the proposed removal of the mature trees which create an area outstanding beauty, contrast, and tranquillity.
- Planting young trees, which take many years to get established, may create a more clinical environment as opposed to the current setting which is greatly enhanced by the mature trees.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Principle of Development
- Design, character, and appearance.
- The impact upon the overall character and setting of the Conservation Area and other heritage assets.
- Proposals within the context of the Minster Neighbourhood Plan
- Impact upon amenity removal of existing trees

PRINCIPLE OF DEVELOPMENT

5.2. The application site is located within Project Area 1 (PA1) as defined within the draft Minster Neighbourhood Plan (NHP). This area seeks to place a focus upon the provision of welcome facilities to the Minster estate. One of the objectives within Policy PA1, specific to College Green is set out at PA1(J) which seeks to enhance College Green to provide greater usable public space, incorporating green infrastructure. As such the works proposed within this application seek to deliver upon a specifically defined objective set out within the draft neighbourhood plan.

5.3. More generally the application site is located within the city centre, providing a valuable pocket of green space within a predominantly developed area. The space also plays an important role in contributing to the general character and setting of this part of the Minster Precinct.

5.4. Given the location of the application site, the role it plays to overall character and setting of this part of the city centre. It is considered that the proposals would, in principle, be acceptable; subject to all other material planning matters being satisfied. This is by virtue of the proposals seeking to retain an important open space whilst at the same time looking to deliver improvements to the space and deliver a specified objective set out within the draft neighbourhood plan.

DESIGN, CHARACTER, AND APPEARANCE

5.5. Policy D1 of the 2018 DLP states: 'Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significance of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.'

5.6. The existing space consists primarily of a grassed area which contains a Grade II Listed Sundial. The southern boundary includes a footway which links Deangate to the Queens Path. The existing seating consists of timber benches which are accessed from the existing footpath. Other notable features include public notice and information boards and other street furniture as litter bins.

5.7. More recently additional seating and furniture have been brought into the site. These have consisted of typical timber picnic tables, seating cubes and freestanding York lettering and planters, including oil drum planters. These measures were introduced as part of citywide work undertaken by York Bid to assist businesses with re-opening following periods of lockdown due to the Coronavirus pandemic. Upon visiting the site it was noted that the grassed area is showing signs of wear, likely as a result of its use over the summer months. Some of the existing trees are showing

signs of leaning, particularly those situated along the existing footway on the southern side of the site.

5.8. These temporary spaces appear to have been well received by businesses and visitors to the city centre. Providing valuable, useable spaces for people to socialise and enjoy the city centre and its surroundings. However these uses are only temporary a feature that can be clearly seen when viewing the site; with little apparent fixed order to the arrangement of the street furniture and general paraphernalia that is associated to them. The existing situation with the pop-up facilities could be seen as being somewhat cluttered in appearance.

5.9. The proposals would see the existing pop-up space replaced and the landscaping and open space remodelled with a series of more permanent features. New benches will be installed along the southern boundary of the site. These will provide seating facing North across College Green. The main feature of the works would be the installation of a stone feature bench, this would be positioned centrally within the existing grassed area and clusters of stepping stones are also proposed.

5.10. The bench is to be constructed from hand carved Tadcaster Magnesium Limestone; stone which would replicate that which is used in the Minster itself. The overall form of the bench feature is also reminiscent of a gothic window and is intended to emphasise links to the adjacent minster and East Window which overlooks College Green. One feature of the layout is to ensure that an open view along the Northern boundary of the site is maintained. This will in turn draw attention to and emphasise views of the nearby East window of the Minster – particularly in views from the North East along College Green and where College Green adjoins Goodramgate and Deangate.

5.11. Overall, the proposals will lead to an enhancement in the amount of public seating available within this part of the city centre. The removal of the pop-up use of the site and the paraphernalia associated with that use will also likely lead to a degree of enhancement of the public space by virtue of bringing a greater degree of order to the space.

5.12. Policy B1 of the draft NHP states, in relation to green spaces and the public realm. 'Development proposals will be supported which protect and enhance existing green spaces in the Minster Precinct – making specific reference to College Green. The policy goes on to state that 'development proposals will be supported which increase public accessibility to green spaces. It is considered that the proposals would achieve these objectives.

IMPACT UPON AMENITY AND REMOVAL OF EXISTING TREES

5.13. Policy B1 within the NHP requires that development proposals seek, where appropriate, to protect and enhance existing areas of biodiversity in the precinct, including any green corridors. With regard to development affecting existing trees. Policy B1 requires that any harm should be clearly justified in terms of public gain against the value of these trees.

5.14. Policy D2 of the DLP 2018 deals with Landscape and Setting. Within the context of the proposals detailed within this application Policy D2 (ii) and (iv) are considered to be particular relevance. D2(ii) states that development proposals will be encouraged and supported where they; 'conserve and enhance landscape quality and character, and the public's experience of it and makes a positive contribution to York's special qualities'. Policy D2 (iv) goes on to state that development proposals should; 'create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces'.

5.15. As part of the proposals a total of 7.no trees are to be removed from the site and a total of 7.no replacements are proposed. Since the original submission of the application the applicant has reconsidered the trees that they propose to remove. In addition to retaining T730, which is the large mature Lime Tree which is located toward the North Eastern edge of College Green; and is a prominent feature within approaches from Goodramgate they have also confirmed that T731 a Whitebeam is also to be retained. These two trees are the most substantial within the site with canopy heights of 21m (Lime) and 14m (Whitebeam) respectively. The height of these trees and their respective positions within the site makes them both prominent features within the site. Both these trees would be afforded protecting during the proposed development in accordance with BS5837:2012.

5.16. The 7.no trees earmarked, with the exception of T735, have been categorised of being of Low Quality. T735 has been categorised as being of Moderate Quality. However the tree has been identified as carrying wounding on the stem and is considered to be predisposed to failure.

5.17. Amongst the objections received to the proposals, one area of objection is the loss of the existing trees on site, particularly ones which are relatively mature and established on the site. It is also noted that the replacement tree planting will not be an instantaneous replacement in that any replacement planting, particularly of trees, will take time to grown and establish to the same extent as the trees being removed.

5.18. However the submitted Tree Survey has identified potential issues or concerns with the trees it is proposed will be removed from the site. The 7.no trees identified for removal are all showing some signs of damage and/or wounding. Some have also been assessed as being predisposed to failure in the future. The trees

earmarked for removal are generally smaller specimens which as a result find themselves competing with the other more mature, established specimens on site. This is also giving rise to a number of the trees showing signs of lean, as they compete with one another for light. A feature which is noted upon visiting the site with sections of the space appearing to be densely covered by tree canopy.

5.19. Within this context it is considered that the removal of the 7. no trees is justified. Their removal will allow for the replanting of new specimens which can then be more actively managed. In the longer term this should allow for the creation of better-quality tree stock. It is acknowledged that this will inevitably take time. However the proposals will not lead to an overall reduction or loss in the number of trees on the site; it should provide an opportunity for the replacement stock to be more actively managed with a layout that is more harmonious. This should ultimately assist with creating a space which contains a tree stock with greater longevity which would be an enhancement to the space and to the benefit of the general amenity of the area.

5.20. In the event of planning permission being granted it would be necessary to condition that the trees to be retained are afforded suitable protection during any future construction phase. It would also be appropriate to condition that the proposed landscaping scheme is carried out no later than the end of the first planting season following completion of the built elements within the site and then maintained for a minimum period of at least 5 years to provide sufficient time for the planting to establish itself within the site.

5.21. Given the above it is considered that the proposals would accord with Policy D2 of the DLP 2018 and Policy B2 of the draft NHP.

THE IMPACT UPON THE OVERALL CHARACTER AND SETTING OF THE CONSERVATION AREA AND OTHER HERITAGE ASSETS

5.22. The application site is located within the Central Historic Core Conservation Area. It is also located within the defined Scheduled Monument and an area of Archaeological Importance. There are also a number of Listed Buildings within the immediate vicinity – including the Grade II Listed Sundial which is located within the extent of the application site.

5.23. The location of the site within a Scheduled Monument means that the proposals will also require the benefit of Scheduled Monument consent from Historic England.

5.24. Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be

affected by the proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 199 of the NPPF states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.'

5.25. Policy D4 of the DLP 2018 states that development proposals within or affecting the setting of a conservation area will be supported where they, amongst other things:

- Are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance.
- Respect important views.

5.26. Policy C1 of the draft neighbourhood plan requires that development should, protect, conserve, and seek opportunities to enhance the internationally historic environment of the Minster Precinct. The objectives of Policy C1 would be considered as being similar, and therefore in general accordance, with the relevant provisions of the NPPF and the 2018 DLP.

5.27. The proposed development presents conservation considerations both above and beneath ground. The site is located within a defined area of Archaeological Importance. Given the nature of the proposals a degree of ground disturbing works will be required. Features such as the proposed stone seating area and stepping stones will require foundations, which at this stage have yet to be designed.

5.28. The application is accompanied by an Archaeological Impact Assessment. The assessment suggests that the shallow nature of the works associated with the proposals are unlikely to impact upon any significant archaeological deposits; and may only encounter demolition debris from 19th century clearance and street realignment.

5.29. Whilst at this stage the perceived risk of encountering features of archaeological significance or interest is considered unlikely this cannot categorically be proven. As such in the event of granting planning permission it would be appropriate to include a condition which secures the provision of a

watching brief on all groundworks. This condition ensures that suitable protection is afforded to the site and any potential archaeological features which may be present.

5.30. There are a number of listed buildings within the immediate vicinity of the site, including a Grade II Listed Sundial which is located within the site. There are no proposals within this application which would alter or carry out any works to the Listed Buildings. The Conservation Management Plan (CMP) prepared by Alan Baxter for the Minster in 2009 (and updated in 2021), identifies the sundial in College Green as a focal point. College Green itself isn't specifically mentioned in either the CMP or the Conservation Area Appraisal. The existing orientation and layout of College Green is such that it generally faces North toward the properties at the opposite side of College Street including St Williams College, which is Grade I Listed. The proposals would maintain this existing arrangement whereby College Green has an open feeling and link toward the buildings on College Street. In addition to this the existing arrangement of College Green assists with drawing attention toward the East window of the Minster – when viewed from the Northern side of College Street. The proposals will also declutter the space around the sundial, a noted focal point within the CMP.

5.31. The proposed development is considered to provide a number of opportunities to College Green. Firstly it will result in the removal of the 'pop-up' facilities installed over the summer. This will assist with decluttering the space and providing a more fixed set of features – this will be to the benefit of the existing Grade II Listed Sundial which has become slightly lost within the space. Secondly the stone seating feature and stepping stones will provide a degree of variation to the space adding some features of visual interest, rather than being a blank open space. It will, as no doubt the 'pop up' space did, invite or entice people into the space to use it; providing space where people can enjoy this part of the city centre against the wider setting provided by College Street and the East window.

5.32. The existing relationship of College Green facing northwards toward College Street, the openness of the space and the way the space invites views of the East window will all be maintained as part of the proposals. This would accord with paragraph 206 of the NPPF which states: 'Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the sitting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

5.33. Overall it is not considered that the proposals would give rise to significant harm being caused to the character, setting, visual amenity or significance of any

heritage assets within the vicinity of the site. The proposals would improve the space and invite more people to use the space.

5.34. In this regard the proposals are therefore considered to accord with Policy D4 of the DLP 2018 and Section 16 of the NPPF.

6.0 CONCLUSION

6.1. As outlined the proposals will result in the re-ordering and renewal of an existing outdoor space which has become a popular and well used space within the city centre in recent times. The proposals would introduce a greater degree of visual interest into the space through the introduction of the new stone seating and stepping stone features. The result would be an enhanced space which provides more public seating. The proposals would result in the removal of some of the existing trees from the site. However the proposals would not give rise to an overall net loss of trees on the site and those trees which are to be removed are showing signs of damage and/or poor health which means they will likely need to be removed in the future. Having regard to the statutory duties under sections 66 and 72 of the LBCA Act, the proposals are also not considered to give rise to issues of being harmful to the character, setting, visual amenity and historic fabric of the Conservation Area or nearby Listed Buildings. The proposals actually present a degree of opportunity to introduce a more permanent solution within the space replacing the temporary 'pop-up' installations which have been seen more recently.

6.2. The proposals are therefore considered to accord with policies D1,2,4, and 6 of the Draft Local Plan 2018 and the provisions of the NPPF. The proposals would also accord with policies A2, A4, B1, C1, D1, E1 and PA1 of the Draft Minster Neighbourhood Plan. It is therefore recommended that planning permission be granted subject to the conditions set below; including an approved plans condition for the avoidance of doubt as to what has been granted.

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:-

Location Plan: Drawing No. PWP 449 001 Rev 00

Application Reference Number: 21/01980/FUL

Item No: 4e

Proposed Illustrative Section and Details: Drawing No. PWP 449 004 Rev 03

Outline Landscape Masterplan: Drawing No. PWP 449 003 Rev 03

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and 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 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 is located within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the National Planning Policy Framework (NPPF).

4 Tree Protection

No development shall commence until a method statement regarding protection measures for the existing trees has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing. No development or other operations shall take place except in the complete accordance with the approved method statement.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of

vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure that the trees which are to be retained as part of the development are afforded suitable protection from potential damage which may arise as of the development approved by this permission.

5 The soft landscaping and planting as annotated on drawing PWP 449 003 Rev 03 shall be completed 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.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes

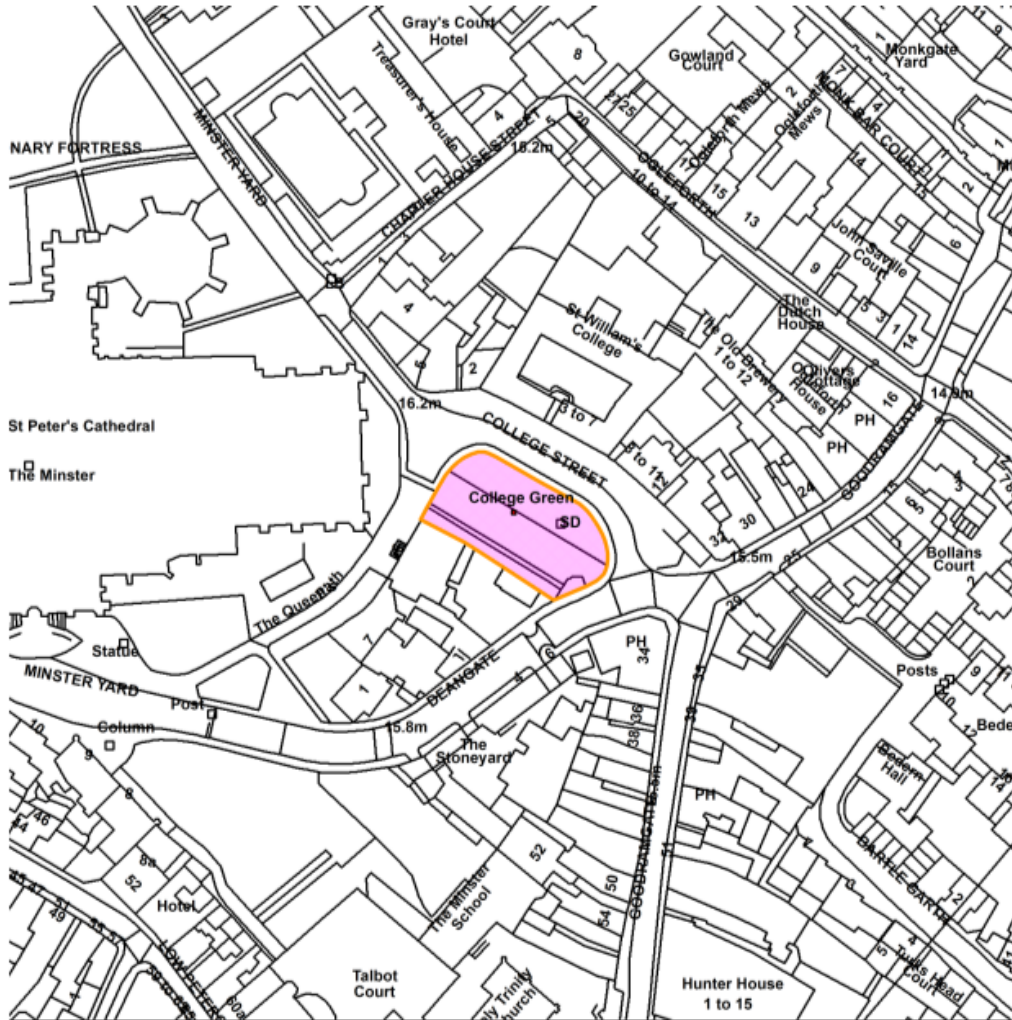
to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877

College Green, Minster Yard, York

21/01980/FUL



Scale : 1:1256

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	23 November 2021
SLA Number	

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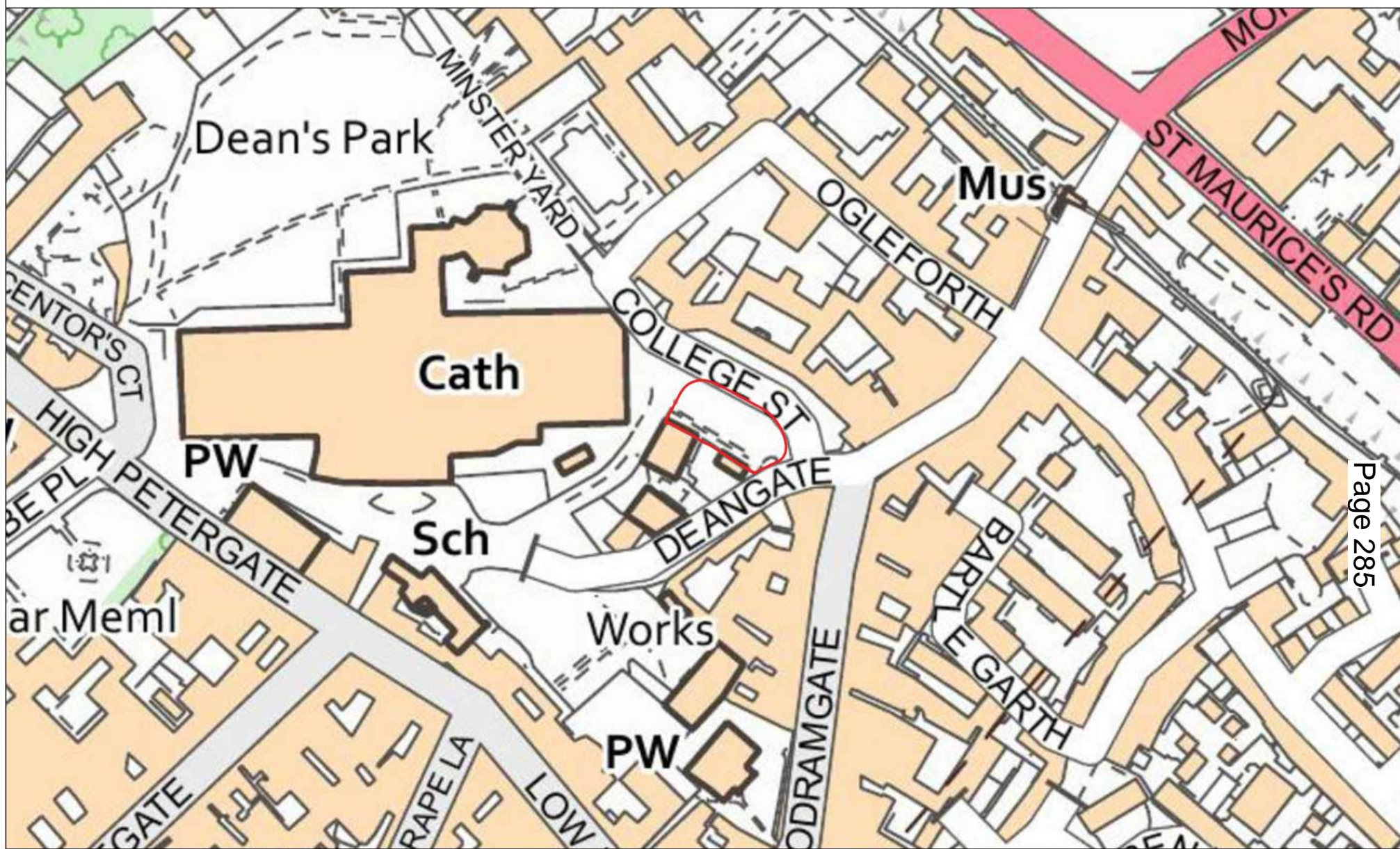
Planning Committee

To be held on Thursday 2nd December 2021

21/01980/FUL – College Green, Minster Yard, York

Landscaping works including provision of seating and stepping stones

Site Location Plan



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Project: College Green, York		Client: York BID & Bloom	
Title: Location Plan		Drawn: LW	Appr'd: SH
Drawing Number: PWP 449 001	Revision: 00	Drawing Scale: 1:1250 @ A3	

00	14/02/21	FOR PLANNING
Rev	Date	Detail

LW	LW	SH
Made	Checked	Appr'd

- Notes**
1. Not for construction all dimensions to be confirmed on site
 2. Based OS_VectorMap_Local_Raster_696210_904677_1_10000
 3. Refer to architects/engineers drawing for hard landscape, boundary treatments, site levels, drainage, retaining walls.
 4. Build up/sloppings to engineers specification.
 5. Contractor to be fully satisfied with locations of services prior to excavations.
 6. All existing trees to be protected to BS 5837.



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College Green – View
North West



College Green/St
Williams College – View
North East



Existing Footpath – View
Toward
Goodramgate/Deangate



Proposed Illustrative Landscaping

