

COMMITTEE REPORT

Date:
Team: East Area

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 22/00209/FULM
Application at: Castle Car Park Castlegate York
For: Public realm improvements including new green space with children's play, 30 blue badge parking spaces, creation of a circular path to the base of Clifford's Tower and works to the Eye of York, following removal of the surface level car park.
By: Ben Murphy
Application Type: Major Full Application
Target Date: 30 September 2022
Recommendation: Approve

1.0 THE SITE & PROPOSAL

Site description

1.1. The application site consists of the 2.28 ha of land near the confluence of the River Ouse and the River Foss, the latter forming the eastern boundary to the site, which contains the Castle Carpark, Clifford's Tower, the Crown Court, the Castle Museum and the oval patch of grass known locally as the 'Eye of York.' The western and northern boundaries of the site are formed by Tower Street. The site is located within the boundaries of the York City Centre and is contained within the city walls.

1.2. The application site is a sensitive and important location within which lies York Castle (Scheduled Monument and Grade I listed), the Castle Museum (formerly the Debtors' and Female Prisons, both Grade I Listed) and the Crown Court (Grade I Listed). The site is within the Central Historic Core Conservation Area and the Area of Archaeological Importance.

1.3. The site lies predominantly within flood zone 1, with a small element at the eastern extent part within flood zone 2 and part within flood zone 3.

Proposal

1.4. The proposal is to create a new greenspace at the edge of the city which provides opportunities for recreation as well as improving the setting of designated heritage assets alongside opportunities for heritage interpretation, creating a new link between the city centre and the 'Eye of York' area and maintaining current Blue Badge parking provision.

Blue Badge Parking facilities:

1.5. 30no. Blue Badge parking spaces are provided within the site which meet current best practice standards for blue badge parking. The parking is enclosed with planting and features pedestrian access points at the northern, central and southern edges providing pedestrian links to Coppergate, the riverside, and the Castle area including the courts, museum and Clifford's Tower. The scheme also includes two electric vehicle charging spaces, with provision for the future conversion of an additional four spaces to charging points, supporting longer-term sustainability goals.

Play space

1.6. The play space is subject to detailed design and discharge of condition. It is likely to change with detailed design subject to input from stakeholders.

The radial walk and castle gardens

1.7. A new walkway around the perimeter of the motte is proposed to improve accessibility and help create an inclusive experience of Clifford's Tower. The Castle Gardens will include The Swathe, The Castlegate Garden, and The 1190 Memorial Space. The Swathe represents the moat and the influence of water within the site. The Castlegate Garden marks the Castle entrance and a reflective space adjacent to 'the drop.' Located in a historically significant location, it marks the former entrance the original castle gates which is represented by sculptural walls. The 1190 Memorial Space is an area of commemoration. The 1190 Memorial Space provides a space for contemplation created to honour the memory of individuals massacred while seeking refuge in Clifford's Tower. This area will feature a landscaped garden with seasonal planting and integrated seating. Telling the 1190 history will form part of the wider heritage interpretation of the site and does not form part of the planning

application, it is noted that there is the option for incorporating a dedicated sculptural piece which would be subject to involvement with stakeholders and additional funding.

The 'Eye of York'

1.8. The central green space of the rotary with mature oak tree will be enhanced with areas of planting and seating following a contemporary interpretation of a 'parterre' (formal garden) layout. The carriageway is to be reduced to introduce a new pathway around the rotary. Functional requirements of the Crown Court and York Castle Museum will be retained. Uplift works to the carriage way will take place to provide informal crossing points to the rotary.

The Riverside

1.9. A riverside walkway is to be created alongside providing areas for seating plus informal planting and establishing a new crossing through the carpark. The Coppergate service yard will be retained as existing with no changes proposed. The route along the river provides a greener edge to the River Foss.

Green Space

1.10. Over the scheme, 45 new trees are to be planted alongside the provision of just over 1 hectare of public green space.

Tower Street

1.11. Essential vehicular access will be retained to the Coppergate turning head and the proposed Blue Badge parking area. However, a fully paved and planted streetscape will be created with a reduction in carriageway width, delineation of vehicular and pedestrian spaces using raised kerbs throughout (no shared surfaces are proposed in order to prioritise pedestrian safety). 7no. Blue Badge complaint spaces will be provided in front of the Hilton Hotel.

Seating and street furniture

1.12. Street furniture will be provided in accordance with best practice guidance referring to the City of York Council Accessible Seating Review and Inclusive Design Framework or any subsequent replacement. Seating will be built with back and arm

rest, with appropriate height and sizing and to enhance accessibility, the seating layout will incorporate breaks in the line of seats to allow for dedicated wheelchair-accessible spaces. Seating will be spaced at intervals no greater than 40metres.

1.13. Cycle parking will be provided at various locations throughout the development and lighting will be provided across the site.

Changes compared to originally submitted scheme

1.14. The scope of the project at Castle Gateway has changed significantly to align with the Executive decisions in November 2023. This means that within this planning application there has been the submission of revised plans. In summary, the Executive decision was to create an overall simpler scheme which reduces overall costs.

1.15. On the proposed plans, the originally proposed water fountains were replaced with a play area, the paved events space replaced with blue badge parking and a green park, and the boardwalk behind the museum replaced with a future aspiration to connect to Castle Mills. The updated scheme seeks to address and overcome the previous comments raised when the application first went out for consultation in 2022.

1.16. On 4 November 2025 Executive approved the project funding package to deliver the Castle and Eye of York works and agreed the permanent closure of Castle Carpark to none blue badge parking from 2026.

Site History

20/00217/FUL – APPROVED 05.06.2020

External works including improvements to handrails for existing access stair up the motte, introduction of resting places to the sides of the stair, internal works within the Tower to include the installation of new staircase, tower floor, walkways, balustrade and roof deck in addition to miscellaneous conservation works.

2.0 LEGISLATIVE AND POLICY CONTEXT

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.

2.2. The development plan is the City of York Local Plan.

CITY OF YORK LOCAL PLAN

2.3. The City of York Local Plan was adopted on 27 February 2025. Local Plan Policies relevant to the determination of this application are:

DP1 – York Sub Area

DP2 – Sustainable Development

DP3 – Sustainable Communities

SS1 – Delivering Sustainable Growth for York

SS3 – York City Centre

SS5 – Castle Gateway (ST20)

EC4 – Tourism

D1 – Place Making

D2 – Landscape and Setting

D3 – Cultural Provision

D4 – Conservation Areas

D5 – Listed Buildings

D6 – Archaeology

D7 – Non-Designated Heritage Assets

D9 – City of York Historic Environment Record

D10 – York City Walls and St Mary's Abbey Walls

GI1 – Green Infrastructure

GI2 – Biodiversity and Access to Nature

GI3 – Green Infrastructure Network

GI4 – Trees and Hedgerows

GI5 – Protection of Open Space and Playing Fields

CC2 – Sustainable Design and Construction of New Development

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

WM1 – Sustainable Waste Management

T1 – Sustainable Access

T2 – Strategic Public Transport Improvements

T5 – Strategic Cycle and Pedestrian Network Links and Improvements

T7 – Minimising and Accommodating Generated Trips

T8 – Demand Management

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.4. The NPPF is a material consideration relevant to the determination of this application. The relevant sections of the NPPF for the determination of this planning application are:

Section 1: Introduction

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

2.9. Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area when determining a planning application.

2.10. Additionally, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority has a duty (under section 66 of this Act) to 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.

3.0 CONSULTATIONS

3.1. A re-consultation process took place with internal and external consultees following the submission of revised proposals. The following section outlines comments received on the revised proposals.

INTERNAL

Design and Conservation

3.2. Recognises that the proposal has significantly changed by July 2025 updates mostly driven by a need to retain some parking and to reduce the overall scope. It is considered that following revision, the harm has been minimised as far as practical now, expect for lighting and maintenance.

3.3. Regarding lighting, this is less harmful now that the very tall lighting poles and event space has been removed. Lighting is a mix of low level, bollard and poles (mix of 4m, 5m and 8m in height). The taller poles are located generally on surrounding streets and parts of the new parking area. Higher significance heritage assets generally have few adjacent poles or low-level ones. However, the necessity of 5m poles in close proximity to the Crown Courts is questioned.

3.4. There are concerns about the unknown standard of maintenance, but concern over this issue has been reduced as the overall scope of the project has been reduced. This is partly a non-planning consideration, but there is some planning relevance when considering sustainable design, interpreted here as practical longevity. Detailed design should ensure the dedicated play space minimises the risk of adjacent car park.

Landscape Architect

3.5. The final iteration includes blue badge parking adjacent to the service yard and the river Foss, and a simplified, effective approach to the landscape within the Eye of York and around York Castle, resulting in a large lawn, play area, and connectivity with the river Foss that marries and extends the landscape and setting of Clifford's Tower, whilst discreetly incorporating a generous area for blue badge parking. The lawn space presents a pleasing year-round setting in contrast to the paved city yet still provides a flexible use (provided it is implemented and maintained to a high standard with good drainage and a hard-wearing turf).

3.6. It would be a great shame to lose the Lime tree/s (T53/54) at the head of the service yard turning head, however alternative layouts would result in the loss parking spaces, so there would be no way round it other than to shift the whole parking area further west. This would compromise the adjacent open space which is of a much higher value. Given the amenity value of the Lime trees it would have

been nice to have kept these but overall the benefits of the scheme, including the additional tree planting in this area, would more than adequately mitigate the losses.

3.7. Lighting columns around the Eye of York are not appropriate, as they harm views of the buildings and make the area feel isolated instead of connected. There are too many bollard lights at the Swathe path junction, and the two on the lawn could be better positioned. In the play area, more playful lighting would be useful so children can use it safely in winter evenings and for added security. Care should be taken when installing lighting strips near the trees north of Clifford's Tower, especially the Sycamore (T60).

3.8. Whilst not a planning matter, the designs for the planting and seating are integral components of the quality and efficacy of the scheme and have therefore been considered in the design review consultation (including the loss of a number of category B trees). I would therefore urge these to be included in the first phase of the works.

Ecologist

3.9. The Biodiversity Impact Assessment report and statutory metric submitted indicates that there would be a net change of 17.74% (0.73) for area based habitats and 0% (0) watercourse biodiversity units (BU). To deliver the minimum 10% biodiversity net gain required, 0.09 watercourse units are needed. It is accepted that post-development plans may be indicative at this stage particularly for offsite BNG provision. However, sufficient detail should be provided to enable the Authority to have confidence that the level of BNG proposed is realistically achievable; that the application will be able to meet its biodiversity net gain obligation, and that the applicant is aware of the potential costs associated with the plan proposed to achieve it.

3.10. Conditions recommended for a Habitat Management and Monitoring Plan (HMMP), Construction Environmental Management Plan (Biodiversity), Biodiversity Enhancements, and a Lighting Plan. Informative are recommended for bats, otters, badgers and nesting birds.

City Archaeologist

3.11. Scheduled Monument Consent will be required before any ground disturbing works can take place within the Scheduled area surrounding the Castle and

including the Eye of York. Only disturbed areas of the car park are outside of this Scheduled boundary.

3.12. In relation to blue badge parking, the removal of the proposed bay at the foot on the motte addresses prior archaeological concerns. Siting most of the blue badge parking over the area of previous disturbance from the abandoned 1930s office development further reduces potential archaeological impact. However, the south-eastern end of the 30-bay parking area (and the attenuation tank) lie within the Scheduled area and it remains likely that Historic England will require an archaeological evaluation prior to Scheduled Monument Consent (SMC) being granted. The attenuation tank location appears to impinge on the scheduled area at the south-eastern end and will therefore require evaluation and SMC. The extent of prior disturbance in this area is not fully understood, and it may prove necessary to amend the location to avoid surviving areas of archaeological sensitivity.

3.13. The remainder of the application's impact on archaeological deposits consists chiefly of landscaping and shallow foundations.

3.14. Suggested conditions are the requirement for a Watching Brief and Excavation and for Community Engagement.

Strategic Planning Policy

3.15. No objection in principle.

Public Protection

3.16. Public Protection has considered the revised plans for this application in terms of all environmental impacts (noise, air quality, contaminated land and dust) and have the following comments to make:

3.17. Noise: a condition is recommended that details of all machinery, plant and equipment to be installed in or at the site, which is audible outside of the site, shall be submitted to the local planning authority for approval.

3.18. Air quality: there shall be no diesel generators on site.

3.19. Lighting: a condition is recommended that a full lighting impact assessment is undertaken.

3.20. A Construction Management plan is recommended.

Flood Risk Engineer

3.21. Assessed the Flood Risk Assessment & Outline Drainage Strategy Report (EOY-BDP-RP-C-0001 Revision P02 dated 30 June 2025) which contains the Drainage Strategy EOY-BDP-ZZ-XX-DR-C-520001 Revision P05 dated 27 June 2025 by BDP.

3.22. As the proposed development is in EA low, medium and high-risk Flood Zones 1, 2 and 3a, a Flood Risk Assessment should be submitted for approval to us and the EA.

3.23. Soakaways as a method of surface water disposal will not work on this site. The Drainage Strategy Revision P05 is generally acceptable in principle. Surface water generated from the proposed development shall connect to the River Foss at a restricted rate of 55.4 litres per second, with appropriate attenuation up to and including the 1 in 100 year even with 40% climate change event. Attenuation volume 232 cubic metres.

3.24. It is envisaged the new drainage system will be adopted and maintained by CYC. Note, there must be a clear and funded understanding as to which CYC team will be responsible for the various parts of the new drainage

Highways

3.25. Cycle routes - paths are not proposed to be open to cycle use. This is in the context of the Council's wider aspirations for the Tower Street corridor which should result in a reduction in traffic on that street/corridor and should mean that it becomes more suitable for cyclists. Cycle parking provision should be included to cater for adapted/cargo bikes.

3.26. Pedestrian provision - can a zebra crossing be provided? Can the raised crossing at the entrance to the scheme on Tower Street be widened?

3.27. We do not support the use of coloured asphalt in areas we have to maintain due to the expense of laying and ongoing maintenance. On the Eye of York access road and Tower street, the use of buff coloured tarmac for the carriageway will

remove the contrast between the carriageway and the footway. Traditional tarmac with coloured chippings might be considered instead or sett/pavers could be used.

Public Rights of Way

3.28. There are no recorded public rights of way (PROW) within or in the vicinity of the proposed development. However if the paths through the green spaces are to be dedicated as public footpaths (which would be recorded on the Definitive Map and thereby legally protected) the applicant is advised to get in touch with the PROW team.

EXTERNAL

Guildhall Planning Panel

3.29. A significant improvement on the previous versions. Like that parking has been removed from the area with the exception of Blue Badge parking.

3.30. Support installation of a children's playground and encourage creativity with the choice of equipment. Consideration could be given to increasing its size. Support idea of meadow around Clifford's Tower and like connection of the green spaces with the Eye making this an integrated facility.

3.31. Concerns raised that the design can be adapted for a pedestrian/cycle bridge over the Foss for when funds are found; would support an increase in trees and the provision of shaded routes, particularly the route to the Eye and the route to Tower Gardens. Consider that the provision of seating should be increased and also that if toilets are not to be provided in this area, are the toilets provided at Coppergate and St Georges field practical to support the redevelopment. Also suggested pedestrianising the area around the Eye.

Historic England

3.32. Historic England has no objection to the application on heritage grounds. The removal of the car park and creation of public open space is a hugely positive step, giving the place a more appropriate setting and character. We recognise that owing to budget changes, the current proposal is a much-reduced scheme from that submitted in 2021/2022, but we consider that the proposal represents a significant improvement on the current situation. The proposed scheme should be understood

as a first phase in a continuing project which will include the addition of interpretation following extensive discussion with partners and stakeholders.

English Heritage

3.33. No comment received on revised proposal.

Environment Agency (EA)

3.34. After initially objecting, the EA removed their objection on 19 November. Conditions are recommended.

Yorkshire Water

3.35. Conditions are recommended related to Water Supply, Waste Water and Public Sewerage.

Canal and River Trust

3.36. No comment.

York Conservation Areas Advisory Panel (CAAP)

3.37. Overall the Panel agreed that this was an improved scheme and supported the proposals in principle but would welcome more detail.

3.38. The Panel has concerns about how traffic in the area will be managed, in particular to control the interaction of pedestrians with motor vehicles and bicycles. It noted that the play area is close to the carpark and this may present a conflict of use.

3.39. The Panel would like to see more detail about the proposed street objects, lighting and signage in the development to assess the impact of this on the conservation area.

3.40. The Panel would like to see more information about the ongoing maintenance of the landscaped areas. Damage may be caused by individuals climbing on the mound or through the creation of 'desire paths' due to the indirect routes offered by the proposed paving.

3.41. The Panel question whether the addition of the radial path created an adequately inclusive offer.

3.42. The Panel had concerns about the specifications of the hard landscaping finishes and whether these would be of sufficiently high quality. The panel would welcome more detail about this, including a materials panel. When considering the paving material of the radial path the panel determined that, rather than using self-binding gravel, small scale paving units arranged to align with the geometry of the radial curve would be preferable.

North Yorkshire Police

3.43. Concerns raised regarding a lack of HVM measures which would need to be incorporated.

York Disability Rights Forum

3.44. Having previously objected to the proposal, the York Disability Rights Forum are of the view that this scheme has a much better consideration of the needs of disabled people than the previous proposal and state the view that this scheme will be a positive for York and should set the standard for developing the public realm in the future.

3.45. The retention of 30 blue badge parking spaces is welcome. However, expressed hope that proposed seating across the site would be inline with the CYC seating plan that has also been produced in conjunction with disability groups in the city. Expressed disappointment that the option for relocating the Shopmobility scheme was not taken and expressed hope vehicle access to the Castle Museum and Magistrates Court will include blue bade users.

OTHER CONSULTATION RESPONSES

3.46. Comment was provided on the **previous scheme only** by Fishergate Planning Panel, York Cycle Campaign, York BID, River Foss Society, Green Party and the Castle Area Campaign Group 2000. These parties did not respond to the consultation request on the revised proposals.

4.0 REPRESENTATIONS

4.1. Regard is had to the 52no. third-party representations received on the initial scheme (34no. in objection, 13no. in support and 5no. taking a neutral stance). A re-consultation period has taken place to consider the revised submission which received 11no. third-party comments (2no. in objection, 5no. in support and 5no. taking a neutral stance). A summary of third-party comments relating to the **revised scheme only** is as follows:

4.2. A summary of objections received in relation to the revised scheme:

- 2EV chargers is insufficient and cycle parking is insufficient
- No provision of retail units such as drinks, food and ice cream outlets.
- Provision of around 45 trees seems low for such a large area
- The children's play area is clearly unrealistic as shown with no fencing, little adult seating and few attractions
- Asked questions about locations of public toilets and drinking water facilities as well as asking if dogs are to be allowed off leads.
- The Castle car park is a major contributor to the financial well-being of the City Centre. Closure would impact on city centre businesses. There is a no evidence to substantiate claims that shoppers would migrate to other forms of transport.
- The Council also relies on the £2 million in income it generates from the car park. The revenue lost by the Council would mean further public service cuts, so road repairs would bear the brunt of the cuts.
- The revised layout is unappealing. It features high levels of hard surfacing, which does little to enhance the setting of Clifford's Tower.
- Ongoing maintenance would be an issue
- In the unlikely event of the promised footbridge over the River Foss going ahead, it is effectively a bridge to nowhere. There isn't a significant unmet demand from cyclists or pedestrians to cross the river at Castle Mills.

4.3. A summary of support received in relation to the revised scheme:

- Welcome commitment made to retain 30 blue badge parking spaces but disappointing that this does not include a major redesign to relocate Shopmobility next to these spaces.
- It is recognised and appreciated that disabled citizens were consulted through the Access Forum and the designers listened carefully to what they were told as evidenced by the statement of community involvement.

- The new design is better because it is closer to the park that many of us wanted to see instead of the original design with its excess of hard surfaces, however need to include more trees.
- Support but two EV charging points may not be sufficient.
- Support but not enough cycle parking
- Support but consider cleaning, removing tree growth and better lighting on riverside path next to Fenwick
- Overall supportive of scheme, but believe the space given to play equipment is meagre and would not materially enhance the lack of engaging play spaces in the city centre

4.4. A summary of neutral representations received in relation to the revised scheme:

- More cycle parking required including space for adapted cycles.
- Lots of high maintenance grass cutting areas and very little bicycle parking or wildflowers
- This area is ripe for developing an underground secure Bicycle Park, somewhere where people can get to on their bikes and know that they'll be safe in the underground Bicycle Parking Garage.
- Without this new space being promoted and managed, it will soon decline.
- Suggestion of the creation of zones within the development for regular events to ensure that each space is frequently or constantly in use.
- Outer barrier on Tower Street - Design of this does not seem to be specified in provided documentation. Size/width should be considered which allows it to also be used as seating.
- No information given on cycle routes or cycle parking. Paths seem too narrow for mixed cycle/pedestrian use.
- Add cycle parking areas to the blue badge parking.
- Provision should be made for EV charging in all car parking spaces.
- Would it be safer to limit vehicles to just the west (Crown Court) and south (Museum entrance) side of the Eye of Yorkshire.
- Could additional trees be planted to provide shading?
- Where will those currently using the non-blue badge car parking spaces park?

5.0 APPRAISAL

5.1. The key issues to be considered are:

- Principle of development
- Impact on Heritage Assets
- Archaeology
- Landscape
- Ecology
- Air Quality
- Land Contamination
- Flood Risk and Drainage
- Crime
- Highways (Movement, Accessibility and Car Parking)

Principle of development

Policy context

5.2. The proposed development forms a key component of the York Castle Gateway masterplan development proposals which are set out in Policy SS5 (Castle Gateway) of the Local Plan. The York Castle Gateway has been identified as a major regeneration area of the city centre. It is recognised that the area is home to major high quality cultural, river and heritage assets that form part of York's unique character but suffer from a poor-quality setting amongst car parking and neglected buildings.

5.3. Policy SS5 sets out the regeneration objectives which are as follows:

- Radically enhance the setting of Clifford's Tower and other features within the Eye of York to recognise the significance of these historic assets and interpret their importance in York's history.
- Promote opportunities for the significance of other historic assets in the wider Castle Gateway area to be better revealed or enhanced.
- Improve the economic, environmental and social sustainability of the area.
- Integrate the area with the broader city centre.
- Improve pedestrian and cycle flow throughout the area and improve connections with the wider city.
- Bring forward new commercial and other development that improves the area and complements and facilitates the implementation of the public realm enhancements.

5.4. The Castle Gateway is divided into five subareas. The five subareas are distinct but interlinked. The application relates to subarea (3): Castle and the Eye of York.

5.5. Criteria xi – xvi of Policy SS5 relate specifically to Castle and the Eye of York and set out principles to support regeneration. These are:

- xi. Create a public realm scheme for the Castle and Eye of York which celebrates the significance of historic assets and the setting of the historic Castle and prison.
- xii. Consider the opportunity to create a development opportunity for a contemporary new building of exemplary architecture alongside the western bank of the River Foss on the site of the existing Castle Car Park.
- xiii. Consider the opportunity to provide a new building to improve the southern aspect of the Coppergate Centre and service yard and enhance the setting of Clifford's Tower and the Eye of York.
- xiv. Provide a new landmark bridge for pedestrians and cyclists across the River Foss linking the Castle and Eye of York with Piccadilly, with funding augmented from developer contributions and commercial uplift from new development sites.
- xv. Improve Tower Street to make it easier and safer to move between the Eye of York, Tower Gardens and St George's Field, by reducing vehicle dominance and creating a more pedestrian friendly environment.
- xvi. Consider important sightlines across the Castle Gateway area.

Assessment

5.6. The proposal will achieve key aspects of the purpose of the regeneration of Castle Gateway (ST20). It will radically enhance the setting of Clifford's Tower and other features within the Eye of York while recognising the significance of these historic assets; promote opportunities for other historic assets in the wider Castle Gateway to be better enhanced; improve the economic, environmental and social sustainability of the area; and improve pedestrian flow through the area.

5.7. In terms of Criteria xi – xvi of Policy SS5 which relate specifically to the Castle and the Eye of York area. The proposal is uplift work to the public realm of the Castle and Eye of York area in a way which is designed to celebrate the significance and setting of historic assets. Additionally, there will be a natural reduction in traffic along Tower Street by reducing the level of carparking to blue

badge only and reducing vehicle dominance by creating a more pedestrian friendly environment.

5.8. The option of a contemporary new building alongside the western bank of the River Foss on the site of the existing Castle Car Park (criterion xii) and the option of a new building to improve the southern aspect of the Coppergate Centre and service yard (criterion xiii) do not form part of the proposal. Nor is a new bridge across the Foss linking the site with Piccadilly proposed (criterion xiv). However, the proposal would not jeopardise nor prejudice such proposals coming forward in the future.

5.9. Overall the proposal is considered to meet the requirements of Policy SS5 and the principle of the development is supported.

Impact on Heritage Assets

Policy Context

5.10. Local Plan Policy D4 (Conservation Areas) requires development proposals within or affecting the setting of a conservation area will be supported where they are designed to preserve or enhance those elements which contribute to the character or appearance of the conservation area and would enhance or better reveal its significance. Harm to buildings, plot form, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

5.11. Policy D5 (Listed Buildings) requires proposals affecting a listed building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Harm to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.12. Policy D7 (Non-Designated Heritage Assets) requires proposals affecting a non-designated heritage asset or its setting will be supported where they conserve those elements which contribute to its significance. Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm.

Assessment

5.13. Heritage assets that are considered relevant to the development proposals are extensive. The site contains five listed buildings and is within the setting of a further eight listed buildings. The site is also within the York Central Historic Core Conservation Area, mostly the Castle Character Area with the exception of the pedestrian footpath along the eastern edge of the Coppergate Centre which falls within the Kings Staith and Coppergate Character Area. York Castle is a Scheduled Ancient Monument (SAM) which includes the area occupied by York Castle and Clifford's Tower.

5.14. Cliffords Tower (Grade I listed); The Female Prison (Grade I listed); The Debtors' Prison (Grade I listed); the Crown Court and railings attached to front (Grade I listed); and the Curtain Wall (Grade I listed) are within the red line boundary of the application site.

5.15. Fairfax House (Grade I listed); 29 Castlegate (Grade II listed); 31 Castlegate (Grade II listed); Numbers 3 and 4 and gates and railings attached (Grade II listed); 6 and 7 Tower Street (Grade II listed); 8, 9, 10, 10A and B Tower Street (Grade II listed); 11 and 12 Tower Street; and 13 and 14 Tower Street (Grade II Listed) are within the setting of the site.

Conservation Area

5.16. The York Central Historic Core Conservation Area (YCHCCA) covers an area that encompasses the Roman, Viking and Medieval footprints of York and is for the most part contained inside the city walls. YCHCCA is formed of 24 'character areas': the proposed scheme falls wholly within Character Area 13: The Castle, with the exception of the pedestrian footpath along the eastern edge of the Coppergate Centre which falls within Character Area 12: King's Staith and Coppergate Centre.

5.17. The Castle Character Area contains some of the most archaeologically, historically and architecturally important buildings in York and as such they are a considerable part of the special interest of the Conservation Area. The Statement of Heritage Significance (July 2025, BDP) submitted correctly identifies the Conservation Area as having high evidential, historical, aesthetic, communal value with an overall high level of significance. However, as recognised in the Conservation Area Character Appraisal, the carpark is a very poor quality and unsympathetic setting to Clifford's Tower and the Eye of York and development in this area could produce significant benefits to enhance the historic character and

appearance of the area and provide an appropriate setting for Clifford's Tower and the Eye of York.

5.18. The Conservation Area Appraisal lists key matters for consideration in redevelopment within The Castle Character Area. Those relevant to the proposal are the high desirability of removing the unsightly car parking around Clifford's Tower and replacing it with a sympathetic and more appropriate landscape setting and whether to reinstate the historic route between Castlegate and the Eye of York to create a more legible pedestrian route to the prison and court buildings. Other considerations including a new footbridge are beyond the scope of the current application.

5.19. The proposed scheme will have a significant positive impact on the conservation area. The proposal will maintain the open characteristic of the area but will remove the disjointed and poor quality hard surfaced areas of the carpark and instead introduce a high quality public space with designated pedestrian routes and low-density blue badge parking. The proposal will provide opportunities for heritage interpretation and informal public engagement with the significant designated buildings and structures. The relatively low level of intervention and retention of open characteristics provides visual permeability within, to and from the area. The removal of low-quality material finishes (i.e. tarmac) and replacement with high quality finishes and planting will further enhance the setting. However, harm to the Conservation Area and setting of heritage assets has been identified.

5.20. Regarding the "swathe" element of the proposal, which is to represent the former castle enclosure boundary, this is considered to be a subtle moderating element between the two different types of space of the carpark area and the Eye of York. It is described by the Design and Conservation Manager as *"bringing the river character into the site, expressed through a planting scheme and patterns in paving surfaces. The idea is supported, however there is some incompleteness in the idea, especially with the swathe being moved and simplified in the revised proposal.."* While the comment that there is some incompleteness in the idea is noted, it is considered to be outside the remit of planning to comment on the effectiveness of the swathe as a feature of heritage interpretation. However, from a planning perspective the swathe is considered to enhance the character and appearance of the Conservation Area, introducing an attractive visual element which maintains the openness of the area and offers opportunities to better reveal the significance of the area through storytelling and visual cues.

5.21. Comment has been received from the Design and Conservation Manager that the circular path (or Radial Walk) around to motte is not considered to be necessary and to act somewhat as a negative separating device. However, this comment is not a formal objection to this element. It is noted that the Radial Walk introduces a new element to the Conservation Area and the setting of Clifford's Tower (and other listed buildings) which, from a heritage perspective, creates a negative separating device. This results in harm to the character of the Conservation Area, the setting of Clifford's Tower and other listed buildings. This harm is considered to amount to less than substantial harm which is subject to the public benefit test in paragraph 215 of the NPPF and is considered in the Planning Balance section of this report.

5.22. The lighting scheme for the proposal has been reduced in scope compared to the originally submitted scheme where very tall lighting poles were proposed to accompany the now removed events space. The lighting mix of the revised scheme is a combination of low level, bollards and a mix of 4m, 5m and 8m poles. The taller poles are generally located on surrounding streets, such as next to the Hilton Hotel, and in the carparking area. Heritage assets of higher significance generally have few adjacent poles of lower ones, including 4m poles around the Eye of York. The harm arises from the physical presence of lighting infrastructure, which introduces visual clutter in the setting of heritage assets, and the insufficient exploration on the impact of lighting on ambience and visual environment during hours of darkness, particularly given that the site's current character has a very low provision of illumination. The harm arising to the setting of heritage assets as a result of the lighting scheme is considered to amount to less than substantial harm. The harm is subject to the test at paragraph 215 of the NPPF and is considered in the Planning Balance section of this report.

5.23. The unknown standard of maintenance has also been raised as a concern, although of reduced concern compared to the originally submitted scheme as the scope has been reduced and with it the level of maintenance required. It is acknowledged that poor maintenance of the scheme in the longevity would be harmful to the setting of heritage assets. However, the ongoing maintenance of the scheme is considered to generally fall outside the remit of planning. Regardless, the current setting created by the carpark and the visual clutter of parked vehicles is considered to create such a low-quality baseline that the proposed scheme is considered to be an enhancement of setting despite the level of maintenance.

5.24. Engagement between the applicant and stakeholders regarding heritage interpretation is ongoing. It is outside the remit of planning to comment on heritage interpretation except where physical material elements are introduced to the scheme. It is likely many minor additions to facilitate heritage interpretation could be carried out under Part 12 of the General Permitted Development Order.

5.25. Overall, the proposal is considered to preserve the openness but enhance the overall character and appearance of the Conservation Area and would enhance and better reveal the Conservation Area's significance. Therefore the proposals are considered to meet the requirements of Policy D4.

Listed Buildings

5.26. Clifford's Tower (Grade I listed) has a high heritage significance, with high evidential, historical, aesthetic and communal value. The current use of the land east of Clifford's Tower for car contributes negatively to the immediate setting of Clifford's Tower. The current use and poor quality of the public realm bear no relation to the historic setting of the Tower and present a poor setting for the appreciation of the Tower. However the wider setting of Clifford's Tower which includes the wider townscape of York within which it can be viewed and which can be seen from the Tower makes a positive contribution to the heritage significance of Clifford's Tower. The proposal offers a clear enhancement of the wider setting of Clifford's Tower. In terms of the immediate setting of Clifford's Tower, the impact of the Radial Walk is discussed in the section above and the public benefit test is set out below under 'Planning Balance.'

5.27. The Female Prison (Grade I listed), The Debtors' Prison (Grade I listed) and the Crown Court and railings attached to front (Grade I listed) buildings are an integral part of the Eye of York. There is a clear C18 design aesthetic and similarity of massing which creates a pocket of formal urban design that is unique in the Georgian period of York's development. As with Clifford's Tower, the current Castle Car Park contributes negatively to the setting of these buildings. Concerns were raised regarding the originally submitted scheme that the highly informal design proposal for the Eye of York space runs counter to the unique strong form qualities of the surrounding Georgian architecture. However, the simplification of the proposal means this is no longer a concern. Overall the impact of the proposal is considered to have a minor positive impact on The Female Prison, The Debtors' Prison and the Crown Court

5.28. The Curtain Wall (Grade I listed) is largely unaffected by the location of the proposed public realm works which are all located north of the structure. Overall, the impact of the proposal on the curtain wall is considered to be neutral.

5.29. Outside the red line boundary but with a setting within the red line boundary is Fairfax House (Grade I listed) and Nos. 29 and 31 Castlegate (both Grade II listed) located at the southern end of Castlegate. This is considered to be a transitional point in the City where the street pattern changes from the dense environ of the medieval city to the relatively open present-day setting of Clifford's Tower.

5.30. Improvement of the public realm strengthens this sense of transition and has a minor positive impact on Fairfax House, No. 29 Castlegate and No. 31 Castlegate.

5.31. Numbers 3 and 4 Tower Street including gates and railings attached (Grade II listed); 6 and 7 Tower Street (Grade II listed); 8, 9, 10, 10A and B Tower Street (Grade II listed); 11 and 12 Tower Street; and 13 and 14 Tower Street (Grade II Listed) are all within the setting of the site but outside of the red line boundary. The proposals are considered to have a neutral impact on these Tower Street properties with the vehicle route along Tower Street remaining unchanged.

5.32. Overall the proposals are considered to enhance and better reveal the setting of listed buildings within the red line boundary (with the exception of the immediate setting of Clifford's Tower as a result of the Radial Walk) and preserve the setting of listing buildings outside the red line boundary. Elements which contribute to the significance of the listed building are preserved with opportunities to better reveal these through enhanced public realm. Harm to the significance of listed buildings or their setting is avoided.

Non-Designated Heritage Assets

5.33. The 'Eye of York' is the area including the Court House, Debtors' and Female Prisons and the space within these buildings which includes a mature oak tree located in the centre. In spatial terms, the area is characterised by large buildings and defensive walls in a generally open setting, some in a planned arrangement and some more the legacy of earlier structures on the same site but all generally expressive of power and authority. The applicant has identified the 'Eye of York' as a non-designated heritage asset.

5.34. The scheme improves the pedestrian route to the Eye of York from the City and improves the quality of the public realm with planting and enhanced hard surfacing materials which respond to the formal Georgian architecture and the tree at the centre is retained. The existing high communal value of the courtyard area is retained, and landscaping enhances the area for public meeting and gathering. Overall, this is considered to have a positive impact on the non-designated heritage asset.

5.35. To conclude on heritage matters, the principle of this project is very welcome. It has huge potential to improve the setting of heritage assets and creates significant additional public realm which significantly improves the setting of historic assets and is attractively designed. However, less than substantial harm has been identified regarding some elements of the proposal, this is weighed against public benefit in the Planning Balance section below.

Archaeology

Policy Context

5.36. Local Plan Policy D6 (Archaeology) requires development proposals that affect archaeological features and deposits will be supported where: (i) they are accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk-based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present; (ii) they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; (iii) they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and (iv) the impact of the proposal is acceptable in principle and 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.

5.37. The NPPF classifies a Scheduled Monument as a designated heritage asset. The NPPF advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Assessment

5.38. The site is a sensitive archaeological area within the Central Area of Archaeological Importance (AAI) and largely falls within a Scheduled area. The site contains archaeological features and deposits dating to all periods at varying depths. However, in some areas deposits have been removed or are heavily disturbed. The proposal is accompanied by a Statement of Heritage Significance (BDP, July 2025) which describes the significance of the archaeological deposits affected and includes a desk-based assessment which describes the heritage significance of the York City Centre AAI.

5.39. For the originally proposed scheme, the drainage strategy and blue badge parking were highlighted as potential concerns. However, the revisions have addressed this.

5.40. Comments on the revised scheme state that in relation to blue badge parking, the removal of the proposed bay at the foot of the motte addresses any prior archaeological concerns. Siting most of the blue badge parking over the area of previous disturbance from the abandoned 1930s office development further reduces the potential archaeological impact. However, the south-eastern end of the 30-bay parking area (and the attenuation tank) lie within the Scheduled Monument's area and it remains likely that Historic England will require an archaeological evaluation prior to Scheduled Monument Consent (SMC) being granted.

5.41. In terms of the drainage strategy, the attenuation tank location appears to impinge on the scheduled area at the south-eastern end and will therefore require evaluation and SMC. The extent of prior disturbance in this area is not fully understood, and it may prove necessary to amend the location to avoid surviving areas of archaeological sensitivity.

5.42. The remainder of the application's impact on archaeological deposits consists chiefly of landscaping and shallow foundations.

5.43. A minor negative impact on the evidential value of archaeological deposits has been identified. This is as a result of the removal of tarmacadam surfaces and the introduction of new hard and soft landscaping which will require below ground works and therefore have the potential to impact archaeological remains.

5.44. A minor positive impact to the historical value of archaeological deposits has been identified with the public realm improvements offering the opportunity record and recover archaeology at the site.

5.45. A positive impact on the communal value of archaeological deposits has also been identified with the areas of public realm improvement provide opportunities for appreciation of the standing buildings and structures across the site and the programme of archaeological recording and recovery at the proposed site having the potential to further enhance the communal value of the site through community involvement during the archaeological investigations.

5.46. The City Archaeologist has recommended a condition for a watching brief and excavation which will address criterion (iv) of policy D6, creating opportunities for the provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.47. There is a very minor conflict with criterion (ii) of Policy D6 owing to the minor negative impact on the evidential value of archaeological deposits. Although the harm would be less than substantial at the low end of the scale, the NPPF requires great weight to be given to this harm. However, public benefits as a result of the positive impact on the communal value and minor positive impact on the historical value to the archaeology are considered to outweigh the harm. Overall, the proposals are considered to meet the policy requirement of D6, offering opportunities to enhance and better reveal the significances of the Castle Carpark and Eye of York as an archaeological site.

Landscape and trees

Policy Context

5.48. Local Plan Policy D2 (Landscape and Setting) requires development proposals to protect and enhance landscape quality and character and the public's experience of it and make a positive contribution to York's special qualities. Proposals are also required to create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces while recognising the significance of landscape features and retain them in a respectful context where they can be suitably managed and sustained.

5.49. Local Plan Policy GI4 (Trees and Hedgerows) states that development will be permitted where it recognises the value of the existing tree cover, their biodiversity value and the contribution they can make to the quality of the development. Protection should be provided for overall tree cover and suitable replacement planting is to be provided where the loss of trees worthy of retention is justified.

Assessment

5.50. The Landscape Architect has advised that the scheme is an effective approach to landscape resulting in a large lawn, play area, and connectivity with the river Foss that marries and extends the landscape and setting of Clifford's Tower, whilst discreetly incorporating a generous area for blue badge parking. The lawn space presents a pleasing year-round setting in contrast to the paved city yet still provides a flexible use (provided it is implemented and maintained to a high standard with good drainage and a hard-wearing turf). The path alignments, in combination with the planting, creates gentle, intuitive connectivity and flow that successfully unites the four main elements of 'Castlegate', i.e. Clifford's Tower (and Tower Steet), new open space on the site of the old car park (and blue badge parking), the 'Eye of York' and surrounding buildings, and the river Foss corridor.

5.51. The Landscape Architect has raised concerns regarding the loss of trees worthy of retention and the extent of lighting proposed across the scheme as a result of lighting columns impacting on views as well as the appropriateness of illumination in the vicinity of trees.

5.52. The loss of certain trees worthy of retention is a disadvantage of the scheme, in particular the loss of lime trees by the service yard, riverside birch trees and sycamores between Clifford's Tower and the Eye of York. Of particular note is Lime tree T39 which is worthy of retention, both for its arboriculture value and amenity value by way of its good form, size, and location. Its retention would result in the loss of one blue badge parking space from the masterplan layout.

5.53. The removal of trees in other locations will facilitate the riverside seating area (in the case of the birch trees) and the swathe and memorial garden (in the case of the sycamores). Overall the benefits of the scheme, including the additional tree planting in this area, would adequately mitigate the losses.

5.54. The landscape scheme overall clearly enhances the landscape quality and character of the site and the public's experience of it which will make a strong positive contribution to York's special qualities while creating opportunities to enhance public use and enjoyment of the space. Therefore the proposal is considered to meet the requirements of Policy D2.

Ecology

Policy Context

5.55. Local Plan Policy GI1 (Green Infrastructure) requires York's landscapes, geodiversity, biodiversity and natural environment will be conserved and enhanced recognising the multifunctional role of green infrastructure in supporting healthy communities, cultural value, a buoyant economy and aiding resilience to climate change.

5.56. Local Plan Policy GI2 (Biodiversity and Access to Nature) states that in order to conserve and enhance York's biodiversity, any development should ensure the retention, enhancement and appropriate management of features of geological, or biological interest; enhance accessibility to York's biodiversity resource where this would not compromise their ecological value.

5.57. Local Plan Policy GI3 (Green Infrastructure Network) requires that in order to protect and enhance York's green infrastructure networks, any development should maintain and enhance the integrity and management of York's green infrastructure network.

Assessment

5.58. Compared to the baseline of extensive sealed surface carparking, the proposal significantly enhances green infrastructure and accessibility to York's biodiversity resource in line with Policy GI1. The site is partially within a green infrastructure corridor (a part of with City's Green Infrastructure Network) which

follows the route of the Foss. The reduction in sealed surface at the site, tree planting and soft landscaping enhances the amenity and biodiversity value the Foss green corridor, meeting the requirements of Policy GI3.

5.59. The application was submitted prior to the requirement for mandatory biodiversity net gain (BNG), nevertheless the applicant has submitted a BNG assessment. The on-site habitat baseline calculated a total of 4.12 habitats units, with 0.75 units being lost in relation to the proposed scheme. 5.6.5 The on-site watercourse baseline calculated 0.85 habitats units. On-site habitat creation will result in 1.48 habitat units being created. The proposed redevelopment will therefore result in a net gain of 0.73 habitat units (17.74%) and 0.00 watercourse units (0%). There remains a 0.09 watercourse unit shortfall, and this shortfall cannot be addressed within the client's wider landownership, therefore credits will need to be purchased from a third party BNG provider. Overall, the BNG assessment concludes that the proposals have the potential to achieve a 17.74% net gain in on-site biodiversity delivery and makes recommendations to seek out off-site watercourse units in order to meet the requirements of the trading rules. The 17.74% of BNG attracts positive weight in the planning balance, especially considering there is no mandatory requirement for the applicant to provide BNG.

5.60. A condition for a Habitat Management and Monitoring Plan (HMMP) and condition for a Construction Environmental Management Plan (Biodiversity) are recommended to accompany any approval. Additionally conditions for biodiversity enhancements and a lighting plan to ensure the favourable conservation status of bats. With these conditions the proposal is considered to meet the requirements of policies GI1, GI2 and GI3.

Air Quality

5.61. Local Plan Policy ENV1 (Air Quality) requires that development will only be permitted if the impact on air quality is acceptable, including the provision of mechanisms which appropriately mitigate adverse impacts and further exposed to poor air quality.

5.62. Compared to the current use as a carpark, the proposal is considered to have a positive impact on air quality, removing a large proportion of carparking from the site and thus reduce emissions. Additionally, enhancement of routes for pedestrians prioritises walking which in turn minimises private car use with associated positive

impacts on air quality. Areas of the blue badge parking will have EV charging facilities with the option to expand this in the future.

Land Contamination

5.63. Local Plan Policy ENV3 (Land Contamination) requires that where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination risk assessment.

5.64. The site is not known to be affected by contamination; however, a planning condition has been utilised to ensure that in the event that contamination is found at any time when carrying out the approved development, the findings must be reported 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.

Flood Risk and Drainage

Policy

5.65. Local Plan Policy ENV4 (Flood Risk) requires new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events. Development proposed in areas of flood risk must be informed by an acceptable site specific flood risk assessment, following the Sequential Test as set out in the NPPF and, if required, the Exception Test.

5.66. Policy ENV5 (Sustainable Drainage) requires for all brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate unless it can be demonstrated that it is not reasonably practicable.

Assessment

5.67. The site is largely located in Flood Zone 1 where there is a low probability of flooding however there are localised areas of Zones 2 and 3 along the eastern boundary and within the southwest corner.

5.68. The proposal is an open public space and does not include any new or existing buildings and as such has been categorised as 'Less Vulnerable' within the NPPF classification system. In accordance with the York City SFRA and the 'Flood Risk Vulnerability and flood zone compatibility' table from 'Flood risk and coastal change' Guidance, a 'Less Vulnerable' development within Flood Zones 1-3 are deemed appropriate and neither sequential nor exception tests are required.

5.69. In terms of drainage, the submitted drainage strategy (revision P05) is generally acceptable in principle. The introduction of SuDS within the scheme is not proposed, instead surface water generated from the proposed development shall connect to the River Foss, at a restricted rate of 55.4 litres per second, with appropriate attenuation up to and including the 1 in 100-year event with 40% climate change event. The introduction of SuDS within the scheme is limited but the developer notes that where possible SuDS are to be incorporated into the post development design. Table 7 of the Flood Risk Assessment and Outline Drainage Strategy Report provides a SuDS feasibility assessment noting the limitations of the site for the introduction of SuDS Methods.

5.70. Due to the presence of made/filled ground consisting of brick/concrete rubble and metal over a dense clay material, soakaways as a method of surface water disposal will not work on this site.

Crime

Policy Context

5.71. Local Plan Policy HW7 (Healthy Places) requires that design principles adequately consider and incorporate into plans for development considerations of how the design may impact on crime or perception of safety, including lighting strategies for public spaces.

5.72. Local Plan Policy D1 (Placemaking) requires streets and spaces are designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

5.73. Paragraph 135 of the NPPF (2024) states planning decisions should ensure that developments 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.

Assessment

5.74. The Regional Counter Terrorism Security Advisor (CTSA) has provided comment on the proposals in relation to Hostile Vehicle Mitigation (HVM). HVM features have been incorporated into the design in accordance with CTSA advice. An indicative HVM plan has been supplied which will form the basis for a condition on any approval that requires detailed particulars of the HVM to be submitted and approved.

5.75. Lighting has been incorporated into the space which is considered to strike an appropriate balance between illumination to deter crime and disorder, and the fear of crime, create a high level of amenity for users and to be appropriate for the heritage significance of the site.

Highways (Movement, Accessibility and Car Parking)

Policy Context

5.76. Local Plan Policy T1 (Sustainable Access) requires development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. Safe and appropriate access to the adjacent adopted highway for motor vehicles, pedestrians and cyclists is required as are safe and appropriate links to the surrounding walking, cycling and public transport networks (including, where appropriate, the Public Rights of Way (PRoW) network), and that these integrate into the overall development. Suitable access, permeability and circulation for a range of transport modes must be provided whilst giving priority to pedestrians (particularly those with impaired mobility), cyclists and public transport services. Layouts should be safe and secure and minimise conflict. Convenient cycle storage should be provided.

5.77. Local Plan Policy T8 (Demand Management) requires development should comply with the Council's latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape. This is to improve the overall flow of traffic in and

around York City Centre and provide an environment more conducive to walking and cycling.

Assessment

5.78. The proposal will result in the loss of 268no. car parking spaces of the current 298no. car parking spaces in Castle Carpark. The existing provision of 30no. Blue Badge spaces will be retained. Along Tower Street, a total of 7no. accessible parking spaces will be provided on either side of the Hilton Hotel. The area formerly occupied by the northern on-street parking bays will be reconfigured to accommodate a shared loading / taxi-drop off bay.

5.79. To the south of the site is the Eye of York Access Road which is a single carriageway private road which forms a loop around a central turning circle and serves as a vehicular access for York Crown Court and York Castle Museum. This usage will continue.

5.80. The redeveloped greenspace area of the Castle Carpark will be served by pedestrian walkways connecting the north of Tower Street towards the Eye of York with additional pedestrian infrastructure improved within the site including uncontrolled pedestrian crossings comprising of raised tables and tactile paving at the junctions of Castlegate / Tower Street, Tower Street / Clifford Street and across the proposed Castle Car Park access.

5.81. The closure of the carpark to none blue badge vehicles alongside the enhancement of pedestrian infrastructure promotes the use of more sustainable modes of transport and priorities pedestrians. Cycle parking, including parking for oversized cycles, is to be provided although particulars of this are subject to condition.

5.82. HDC has suggested the incorporation of a zebra crossing to the site from Castlegate. However, this, along with accompanying Belisha beacons, would have implications to the setting of sensitive heritage assets and has been discounted. The reduction in vehicular traffic on Castlegate and Tower Street as a result of reduced numbers accessing the carpark is considered to enhance the area for pedestrians without the need for a zebra crossing.

5.83. Public representations have highlighted concerns about the provision of electric vehicle charging facilities. The proposal incorporates a comprehensive

Electric Vehicle Charging (EVC) system including a network of underground cable ducts and drawpits within the car park, enabling the installation of both active and passive charging points. Initially, 2no. EV charging bays will be installed, representing approximately 6.6% of total spaces. While there is no prescribed standard for the proportion of EV spaces in public car parks, the addition of these bays represents a clear improvement compared to the existing Castle car park arrangement which currently offers no EV charging provision.

5.84. HDC have highlighted that they do not support the use of coloured asphalt due to the expense of laying and ongoing maintenance. From a planning perspective, the colour and nature of surfaces to the section of access road and car park access does not alter the acceptability of the scheme, as both standard or buff coloured tarmac would be acceptable (with the current situation being the baseline under which the scheme is being assessed). The drawings show coloured asphalt which is acceptable within the highly sensitive heritage setting. However, should the applicant decide a later date to revise the materiality of surfacing as part of the wider highways agreement this could be addressed through a Section 73 or Section 96A application depending on the degree of alteration. Overall the proposals are considered to meet the requirements of Policies T1 and T8.

6.0 PLANNING BALANCE

6.1. As detailed above there are numerous heritage assets that would be affected by the scheme. In many cases there is considered to be benefit to heritage assets as a result of improved setting, however the assessment concludes that the proposals will result in less than substantial harm in the following cases:

- less than substantial harm to the significance of The Castle Character Area of the Conservation area as a result of the Radial Walk
- less than substantial harm to the significance of the setting of Clifford's Tower as a result of the Radial Walk
- less than substantial harm to the setting of heritage assets as a result of the lighting scheme
- less than substantial harm at the low end of the scale to the archaeological resource as a result of a minor negative impact on the evidential value

6.2. The NPPF requires great weight should be given to the conservation of heritage assets (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.

6.3. 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.

6.4. In terms of the Radial Walk, this opens up opportunities for reflection and accessible engagement with the motte, activities in themselves which offer opportunities to better understand the significance of the heritage asset and engagement with the history of Clifford's Tower. This is a clear public benefit. Although the Radial Walk will create a visual separation around the base of the motte, the pathway facilitates greater opportunities for connection to the heritage asset. Heritage interpretation must not attract greater weight than the conservation of the asset itself, however in this very particular circumstance the opportunities to better reveal those elements which contribute to the significance of the heritage asset, which is very challenging to engage with in an accessible way owing to its position on top of a steep sided motte, are considered to be a public benefit which outweigh the less than substantial harm to the Conservation Area and the setting of Clifford's Tower.

6.5. In terms of the lighting scheme, the less than substantial harm arises from a combination of the lighting infrastructure itself (e.g. bollards and posts) and the introduction of illumination in the setting of heritage assets which currently have a low level of illumination. Public benefit is identified in creating a welcoming, safe and attractive high-quality night time environment as a result of the lighting. This is considered to outweigh the less than substantial harm. A planning condition is recommended that 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. This will create the opportunity for the lighting needs of the site to be balanced against heritage considerations, ecology considerations and securing an appropriate level of public amenity.

6.6. There is also some conflict with Policy GI4 (Trees and Hedgerows) due to the loss of trees worthy of retention. This is regrettable and a disadvantage of the scheme, despite the overall tree planting across the site. However, when the proposal is taken as a whole, the public benefits of the proposal are clear, delivering a new greenspace at the edge of the city which provides opportunities for recreation

as well as improving the setting of designated heritage assets alongside opportunities for heritage interpretation, creating a new link between the city centre and the 'Eye of York' area and maintaining current Blue Badge parking provision. This aligns with the vision set out in Policy SS5 (Castle Gateway). A key benefit of the scheme is delivering this vision which is a clear public benefit which attracts substantial weight in the overall planning balance.

7.0 CONCLUSION

7.1. The proposed scheme is focused on delivering regeneration of the Castle Gateway area of the city centre, an area of high cultural and heritage value that suffers from a poor quality setting. The regeneration will radically enhance the setting of Clifford's Tower and other designated heritage assets in the area while creating a high-quality area of public realm and improving the area for pedestrians. The creation of an attractive public realm and the enhancement of the setting of heritage assets while maintaining the important resource of Blue Badge parking close to the city centre aligns with the approach taken in the Local Plan to the York Sub Area (Policy DP1) and delivering Sustainable Development for the City (Policy DP2). The application, subject to appropriate conditions satisfies the Local Plan Policy requirements in relation to landscape, highways and sustainable transport, crime, ecology, biodiversity, air quality, flood risk and drainage.

7.2. Considering the above, it is recommended that the application be approved subject to appropriate conditions.

7.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Site Location Plan - EOY-BDP-ZZ-XX-DR-L-910001 P01, 04.07.2025

Existing Site Plan - EOY-BDP-ZZ-XX-DR-L-910000 P02, 04.07.2025

General Arrangement Plan - EOY-BDP-ZZ-XX-DR-L-910101 P10, 03.12.2025

Illustrative Masterplan - EOY-BDP-ZZ-XX-DR-L-910201 P03, 03.12.2025

Tree Removal/Retention Plan - EOY-BDP-ZZ-XX-DR-L-910301 P01, 04.07.2025

Levels Plan - EOY-BDP-ZZ-XX-DR-L-910501 P05, 04.07.2025

Site Sections 1 of 2 - EOY-BDP-ZZ-XX-DR-L-910600 P01, 04.07.2025

Site Sections 2 of 2 - EOY-BDP-ZZ-XX-DR-L-910601 P01, 04.07.2025

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 and excavation where appropriate 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 commence until a written scheme of investigation (WSI) for watching brief and excavation 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 part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

4 Prior to the completion of this scheme a plan for archaeological community

engagement shall be designed and implemented. The engagement plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development.

Reason: This is a large scheme within the city centre in an area of significant archaeological and public interest, therefore, an outreach project is expected to achieve an additional element of public benefit.

5 HVM Detailed particulars of HVM as shown on the Indicative HVM Strategy Plan - EOY-BDP-ZZ-XX-DR-L-980601 P03 (17.11.2025) are to be submitted to and approved in writing by the LPA then implemented in accordance with the approved drawings prior to first public use of the greenspace, play area and footpaths. Any alteration to indicative plan shall be subject to approval by the LPA in consultation with the Police.

Reason: To create a safe and inclusive space where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6 Details of all machinery, plant and equipment to be installed in or located on the site, which is audible outside of the site 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 be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

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

7 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:

a) Specified lighting should be made in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:

<https://theilp.org.uk/publication/guidancenote-8-bats-and-artificial-lighting/>

b) Demonstrate how and where external lighting will be installed (through the

provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary. Any new external lighting shall be installed in accordance with the 'lighting design plan' as so approved.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species whilst ensuring a good level of public amenity and to conserve and enhance the setting of heritage assets.

8 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the relevant construction period for that phase, sub phase or building.

The CEMP shall include the following details:

- Arrangements for parking of vehicles for site operatives and visitors.
- Storage areas for plant and materials used in the construction of the development
- The location of site compounds.
- Details of wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Suitable road sweeping measures.
- A programme of works including phasing, and measures for the control of (construction) traffic to and from the site, and within the site, during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Noise - Details on hours of construction, deliveries, types of machinery to be used, noise mitigation and details of any monitoring and compliance with relevant standards.

Reason: To ensure that construction methods will safeguard the amenities of neighbouring properties.

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. 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 submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

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 Prior to the first use of the development details of the cycle parking areas including type of stand shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall be retained and shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles and to secure compliance with Policy T1 of the Local Plan.

11 The development shall be carried out in accordance with the submitted Flood Risk Assessment & Drainage Strategy Ref: EOY-BDP-RP-C-0001, P02 (June 2025).

Any changes to the scheme must be approved by the Local Planning Authority and then implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage.

12 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include (but not limited to) the erection/installation of bat and bird boxes on suitable retained trees.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF (2024) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

13 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not be limited to the following:

- Risk assessment of potentially damaging construction activities
- Identification of 'biodiversity protection zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction ((may be provided as a set of method statements)
- Detailed method of translocation applied to the lowland meadow habitat, which

is to be translocated to the east of the Site (north of the Old Foss Beck)

- The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication.
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the - construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

14 Prior to commencement of the development hereby permitted a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be created, enhanced, managed and maintained. The content of the HMMP shall cover all proposed onsite and offsite landscape and habitats and include the following:

- Ecological trends and constraints on site that might influence management.
- The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- Appropriate management options for achieving aims and objectives.
- The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- The roles and responsibilities of the people or organisation(s) delivering the HMMP.
- The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- schedule for reporting findings to the LPA.

The HMMP 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 HMMP 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. The results of the monitoring must be submitted to the Local Planning Authority for written approval in years 1, 2, 3, 5, 10, 15, 20 and 30; biodiversity reconciliation calculations should be provided at each stage. The HMMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the CYC Draft Local Plan.

15 No development other than enabling works shall commence until a detailed scheme of public realm works has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details within a period of six months of the completion of the development. The works shall be retained and maintained for the lifetime of the development.

Details shall include the following:

- surface materials
- street furniture including play equipment, seating and refuse stores
- wayfinding
- lighting including maximum and minimum lux levels

Where hard surfacing is proposed, a sample panel of a sufficient size to judge the overall surface materials illustrating the colour, texture and joining of surfacing materials shall be provided.

Reason: To safeguard the character and appearance of this part of the conservation area.

16 No development other than enabling works shall commence until a detailed scheme of landscaping in accordance with the approved illustrative masterplan has been submitted to and approved in writing by the Local Planning Authority.

The details of landscaping shall include, but not be limited to, the following:

- The species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes (where applicable)
- Details of ground preparation
- Where trees are to be located within paved areas, the planting details shall accommodate suitable soil volumes underneath porous surfacing so that the trees have the capacity to survive and thrive

Landscape details shall include a proposed tree planting plan showing:

- Locations, stock size, and species of each tree

- Areas of underground soil cells, and volume of soil/growing medium per tree
- Surface finish
- Existing utility runs to be retained and proposed utility runs
- Cross sections for each tree pit/trench type to include:
- Construction details and product specifications, including the corresponding paving construction detail
- Means of support, and means of watering.
- Locations of utilities and means of accommodating compatibility between utilities and trees where applicable.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the quality of the proposed tree planting details and the variety, suitability and disposition of species across the site, since the landscape scheme is integral to the amenity of the development in accordance with Policy D2: Landscape and Setting of the City of York Local Plan.

17 Prior to the commencement of development, including the removal of any trees shown to be removed on the approved plans, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) and scheme of arboricultural supervision regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The development for that phase sub phase or building shall be carried out in accordance with the approved AMS.

This statement shall include but not be limited to a schedule of tree works, timing and phasing of trees shown to be removed on the approved plans, details and locations of protective fencing, ground protection, phasing of works and protection measures, site rules and prohibitions, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound (and marketing suite where applicable). The document shall also include methodologies and construction details and existing and proposed levels where specialist construction techniques are required where a change in surface material and/or boundary treatments is proposed within the root protection area of existing trees to be retained.

The content of the approved AMS documents shall be strictly adhered to throughout development operations. The approved AMS shall be available for reference and inspection on site at all times. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To prevent damage to trees during site preparation, construction works, and other development related activities in accordance with Policy GI4 Trees and Hedgerows of the City of York Local Plan.

18 Prior to any tree removal works for category B trees or above, a binding contract for the carrying out and completion of works of redevelopment of the site, for which planning permission has been granted, shall be entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the removal of trees is followed by immediate redevelopment; to maintain the character and appearance of the Conservation Area and to prevent the unnecessary loss of trees worthy of retention.

8.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

Contact details:

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