

COMMITTEE REPORT

Date: 19 November 2020 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 19/02063/FULM
Application at: St Georges Field Car Park Tower Street York
For: Erection of 5 level multi-storey car park with canopy to roof to provide 372 no. car parking spaces, demolition of public toilet, revised highway access and associated landscaping works
By: Mr Andy Kerr
Application Type: Major Full Application
Target Date: 30 November 2020
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The application site of St George's Field is a rough teardrop shaped area located at the confluence of the River Foss and River Ouse. Tower Street borders the site to the north, the Foss Basin is located immediately to the east of the site and the western boundary of the site is formed by New Walk, a tree lined riverside pedestrian route. The application site, which occupies an area of 1.4 hectares, is currently used for car and coach parking (150 and 27 spaces respectively) with a utility compound comprising a sewage pumping station and a public toilet. To the south of the site is the Foss Barrier flood defence.

1.2 The application site is in a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and the Area of Archaeological Importance. The land was originally gifted to York Corporation for use for public events and military (target) practice with the archaeology preserved below the surface including a Knights Templar Chapel and Mill complex.

1.3 The site is within Character Area 66 (Fishergate-River Ouse) and abuts Character Area 13 (The Castle area) as defined by the York Central Historic Core Conservation Area Appraisal (YCHCCA), which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown

Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

THE PROPOSAL

1.4 The proposal involves the erection of a multi storey car park (MSCP) of ground floor and 4no parking decks to provide 372no car parking spaces with a surface coach park, landscaping and a shared pedestrian / cycle route connecting New Walk to Tower Street. Vehicular access to the car park would be from Tower Street with a two way access ramp taking vehicles over an existing flood wall with coach parking bays situated to the south of the site. Pedestrians would access the site from New Walk, which runs alongside the River Ouse, and there would also be a footpath on the western edge of the access road.

1.5 Of the 372no spaces, it is proposed to include 26 disabled parking bays (7% of the total) and 56 electrical charging points (15% of the total). The proposed building would have a flat deck layout with internal 1:10 ramp and a solar canopy on the top deck. The vehicular entrance to the car park would be at first floor level allowing the car park to be used in times of flood. The building would include 4no unisex public toilet facilities on the first floor - the existing public toilet has been demolished. The proposed development would include the retention of the existing coach park with the provision of 25 upgraded parking spaces. Bay sizing will be increased with capability for some bays to accommodate 15m length coaches.

1.6 The footprint of the proposed car park has been shaped by various constraints including the existence of a main sewer and outflow sewer running underneath the application site, the need to avoid the part of the site that is a Scheduled Ancient Monument, flood escape and flood-in-use (other than lowest levels) that dictates a building location adjacent to higher ground, the need to maintain large vehicle (crane) access to the Foss barrier, planned improvements to the flood wall than runs across part of the site, mature trees along New Walk and the pumping station. In order to avoid the main sewer, a narrower footprint than that detailed in the York Castle Gateway Masterplan, is proposed. An agreement has been reached with Yorkshire Water to divert the outflow sewer.

1.7 The outcome of these constraints is a building with a body aligned roughly north, pointing towards the Eye of York, with the southern end tapered in order to realign with the direction of the river and leave a standoff distance from the mature trees that line New Walk. It consists of conventional flat car park decks linked by a central

ramp. The building has a strong horizontal visual expression alternating between solid deck and open void, punctuated by vertical stair towers and an external stair. Terracotta tiles with a varied ribbed profile are detailed as the primary cladding material to the horizontal bands of the car park and would also be used as a cladding material to the external faces of the stair-cores and a small section of the first floor adjacent to the vehicular entrance. Green living walls are used as a secondary material to the horizontal bands at high level facing Tower Street and Skeldergate Bridge and on the main stair elevation. Corten sheet cladding is proposed to the feature staircase. The solar canopy on the deck would be supported by a steel frame.

COUNCIL'S MASTERPLAN CAR PARKING STRATEGY

1.8 The application is a key component of the York Castle Gateway Masterplan proposals, which were approved by the Council's Executive in 2018, the key objective of which is to relocate Castle car park away from the base of Clifford's Tower and provide a flexible area of high quality public realm.

1.9 The Design and Access Statement details the rationale for the Masterplan car parking strategy as follows:

- CYC will be closing Castle Car Park, a poor quality surface car park which surrounds and has a damaging impact on the setting of Clifford's Tower and the Eye of York.
- Castle Car Park currently generates the council a revenue of £1.2m which funds public services. Losing that revenue would result in either budget cuts or an increase in council tax.
- Consequently CYC are seeking to replace some of the lost car parking by building a new 370 space multi-storey car park (MSCP) at St/Georges Field.
- However this will still allow CYC to reduce the overall number of car parking in the area by 100 spaces and move car parking and associated traffic outside of the inner ring road.
- CYC need to replace some of the car parking to protect the revenue to the council and to ensure support for the masterplan from key city centre stakeholders.
- The new junction to allow access to the car park helps to create the new pedestrian/cycle super-crossing over the inner ring road.

REVIEW AT EXECUTIVE IN LIGHT OF IMPACT OF COVID-19

1.10 Having considered all options, the Executive have taken the decision to commit to the delivery of the Castle Gateway Masterplan and have reiterated their commitment to providing replacement car parking before the closure of Castle Car Park. However, due to the uncertainty created by Covid, the intention is to delay the procurement of a construction partner for the new multi-storey car park at St George's Field until next summer. This is to ensure that the full impact of Covid on car parking is known before committing to the next stage of expensive detail design.

1.11 In relation to the Executive decision and the replacement of the Castle Car Park with public realm, the applicant advises that detailed design of the public realm would be brought forward in to the first phase of development so that planning permission would be in place to create a shovel ready scheme. The applicant states that this would leave the council in the best position to secure any external funding that may become available through the government response to Covid-19, and give the Council the full funding for the world class public space to replace Castle Car Park. The applicant emphasises the point however that the closure of Castle Car Park remains dependent on the replacement car parking being provided.

CONSULTATION PRIOR TO SUBMISSION OF APPLICATION

1.12 A series of six public events were held at pre-application stage which included four drop-in exhibition and guided walks events and two workshop sessions. A Statement of Community Involvement detailing discussions and feedback from the events accompanies the application.

ENVIRONMENTAL IMPACT ASSESSMENT

1.13 The size of the site renders this proposal an "urban development project" which falls under Schedule 2 of the Environmental Impact Assessment Regulations 2017. Schedule 2 development is development of a size and scale which may require Environmental Impact Assessment (EIA) depending upon the potential specific impacts of the proposal. Part of the site also falls within a Scheduled Ancient Monument and as such the site meets the criteria of a Sensitive Area as defined by the EIA regulations.

1.14 The proposed development has been screened and it is concluded that the proposals are not likely to have a significant effect on the environment and / or are

of a complexity such that the environmental impacts can be assessed through the planning application process rather than through requiring the preparation of an Environment Impact Assessment.

2.0 POLICY CONTEXT

Key Sections of the National Planning Policy Framework (“NPPF”)

Section 4 – Decision Making

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

Key relevant policies of the 2018 Publication Draft Local Plan

DP2 – Sustainable Development

DP3 – Sustainable Communities

SS1 – Delivering Sustainable Growth for York

SS3 – York City Centre

SS5 – Castle Gateway

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

D7 – The Significance of Non Designated Heritage Assets

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

T8 – Demand Management

Relevant policies of the 2005 Draft Development Control Local Plan

SP3 – Safeguarding the Historic Character and Setting of York

SP7B – York City Centre and Central Shopping Area

GP1 – Design

GP3 – Planning against crime
GP4A – Sustainability
GP4B – Air Quality
GP9 – Landscaping
GP15A – Development and Flood Risk
T2B – Proposed Pedestrian / Cycle Networks
NE2 – River and Stream Corridors
HE2 – Development in Historic Locations
HE3 – Conservation Areas
HE9 – Scheduled Ancient Monuments
HE10 - Archaeology
HE11 – Trees and landscape

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN MANAGER)

Scale Sensitivity

3.1 Given the proximity of the proposed MSCP to the castle site and their similar design approach (big buildings in an open landscape), it automatically sets up an architectural relationship between the buildings. The necessity for high quality design to justify this relationship therefore becomes highly important. A big building on this open land is highly sensitive, not just because it is big, but because it is within a fundamental part of the setting of the Castle site. The proposal has taken some minor measures to limit visual bulk; the main staircase that visually “pops up” and needs to land on high ground is pushed as far as practical away from the Castle site; visually striking earlier ideas for a “wrap” around the pumping station are omitted and the building is generally without anything superfluous that would add bulk in sensitive places.

3.2 Design quality (at all levels) needs to be carried through to execution during construction and future management. Some degree of harm to the heritage significances of the Castle site is inevitable. Given that some harm is inevitable, the proposal should take the least harmful approach. Key to this is overall size, which is a function of car parking numbers.

Heritage Setting

3.3 The range of key views assessed in the Heritage Statement is inadequate in number and position. Overall the Heritage Statement underestimates the degree of harm, is a bit vague in the level of harm, and makes claims that are hard to justify without a proper Heritage, Townscape and Visual Impact Assessment. Without an adequate heritage assessment, the degree of harm cannot be assessed

Building Design

3.4 The general approach of an “honest” visual expression for the car park fenestration is supported. I do not support making the building less car-park-like. However, clearly the car park is budget-constrained, and architectural flourishes are limited to certain components such as the promenading staircase and sections of green wall. All these are focussed on the New Walk aspect. It is anticipated that when visualisations are done from the other long (east) elevation the relentless simplicity of the approach here will be a weaker part of the proposal. The bay study drawings show a promising intention to achieve a high quality cladding, but there is a long way to go before it can be agreed that this is a successful fenestration proposal.

3.5 No strong views on the merits of the solar canopy; they have the potential to break the roofline up for visual interest, could help control lighting and mask some cars but they also add bulk and could be reflective from unanticipated places.

3.6 Recommend submission of more visualisations and planting of trees on the east elevation. Need to agree a high design quality for the cladding (including solar canopy) and to ensure an appropriate lighting scheme.

3.7 Summary - Potentially support, despite the elements of harm, given the potential public benefits, following resolution of the above recommendations.

Comments in response to revised plans / additional information

3.8 Additional views have been provided within the heritage statement but presented with insufficient clarity.

3.9 In relation to the long east elevation, extra visualisations have been provided but some don't capture what was requested. Also views are still all summer ones and

highly affected by trees. Tree screening will change in winter. Additional trees are shown along the east elevation.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.10 It is impossible to understand the potential impact of the proposals and support the conclusion in the Heritage Statement (that the minor negative impacts are mitigated through design) as insufficient views are assessed and the assessment and conclusions are often generic, repetitive and without justification. The level of detail provided is not proportionate to the various assets importance.

3.11 The development will affect the setting of various heritage assets. From the limited views available in the Heritage Impact Assessment (HIA), this impact on heritage significance will be negative. The level of negative impact in my opinion, however, is affected by the solar canopy. It is stated that the solar canopy will add visual interest and reduce the negative impact on heritage assets but, in fact, no assessment of the potential for sunlight to be reflected from the panels has been made. The potential for these panels to reflect light and seriously impinge on views needs to be analysed.

3.12 The overall design approach was to reduce the visual impact of the car park in terms of scale and architectural expression. The car park design, without the solar canopy, is supportable in heritage terms. It is carefully considered, honest and elegant design solution that is compromised by the introduction of the solar canopy. It is difficult to rationalise how adding a canopy can reduce massing and scale or how additional interest can be a positive thing in terms of reducing the negative impact on the various heritage assets.

3.13 Should the canopy be part of the development proposals then the level of less than substantial harm will be at the upper level of that harm (major). If the canopy is not part of the development proposal then I believe the less than substantial harm will be at the lower level (moderate). Without the solar canopy then the simplicity of the design, the palette of materials and management of scale would allow this very large building to remain subservient enough in relation to the settings of the various heritage assets. The use of terracotta cladding also allows the building to blend into the context of the many other brick buildings around, whilst at the same time, allowing the stone of the various heritage assets to remain dominant. As already

stated there would be an adverse impact on heritage significance but this would be at a lower level of less than substantial harm without the solar canopy.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.14 The proposed development would result in the loss of 14no. trees. The loss of the large Lime is unfortunate but it is understood that its retention would pose too much of a restriction on the efficacy of the proposed development. The small trees that are to be removed, relate directly to the layout of the existing car park. Whilst they contribute to the overall tree cover in the immediate area, their loss would be mitigated by the new tree planting and creation of a new open space.

3.15 18no. trees would be replaced. The locations and species of the proposed trees have been carefully selected to suit the new spaces. The success of the proposed trees would largely depend on the quality of the ground preparation, and subsequent maintenance. In consideration of the views of the MSCP across Foss basin from the inner ring road, the applicant is asked whether it is feasible to add some trees to the meadow area and/or within the vicinity of the scheduled ancient monument.

3.16 The landscape masterplan and proposed planting is perceptively simple and considered. A significant merit of the scheme is the creation of a public open space where there is currently tarmac. Fully support incorporation of green walls into the car park elevations. Such planting usually has a drip-feed watering system using rainwater collected on the roof. Officers have to be sure that this is suitably detailed and managed. Are there any existing/proposed utility plans, including lighting and drainage to show the compatibility with the existing/proposed trees?

Comments in response to additional information

3.17 The applicant appears to want to manage any further revisions or more detailed information by way of condition. This is okay, and their response provides some reassurance that the intention is there for the next stage of design, however there is inevitably an element of risk involved, either by way of unforeseen harm to existing trees, or an inability to fully meet the design aspirations proposed by the applicant, or the quality of detail expected by CYC.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)

3.18 A Preliminary Ecological Assessment has been submitted to support this application which assessed habitats and potential for protected and notable species to be using the site. The habitats within the site are generally of low ecological value although the scattered trees and hedgerows have value at a site level. The River Ouse and the River Foss are important green corridors.

3.19 There are no ecological objections to this scheme. If this application is approved, the landscaping proposals should be secured by condition, as should a sensitive lighting scheme that minimises light spill onto surrounding trees and the rivers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGIST)

3.20 The creation of the sewer diversion and additional drainage requirements is expected to impact upon the modern and post-medieval levelling deposits up to c.4m below current ground level. This will include excavation through saturated layers which may also impinge into the medieval dumping deposits. The sewerage excavation will need to be monitored archaeologically.

3.21 The foundation design for the car park is currently unknown. It is anticipated that a piled foundation design will be used which will again impact upon the modern and possibly post-medieval archaeological deposits with piles extending into archaeological layers of all periods. Any foundation design will need to ensure that the saturated deposits are not cut off from recharge by the river and that up to 95% of archaeological deposits are preserved in-situ.

3.22 Conditions are required to ensure that:

- any archaeological deposits which are revealed during the excavation for the sewer diversion, drainage, landscaping, and foundation creation are recorded or excavated where appropriate.
- a further program of hydrological monitoring takes place following the construction of the car park to determine the impact of the development on the archaeological deposits over a longer period of time.
- the foundation design will allow the retention of up to 95% of the most significant archaeological deposits in situ.

3.23 There are opportunities within this site to better reveal the surrounding listed and scheduled buildings as well as highlighting the conservation areas. In particular St George's Chapel should be presented and interpreted for members of the public as part of this development.

FORWARD PLANNING

3.24 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies SS5, D1, D4, D5, D7, D10, CC1, CC2, ENV1, ENV2, ENV4, ENV5 and DM1 should be applied with moderate weight.

3.25 On the basis of our analysis and conclusion, we do not raise a policy objection to this application, subject to any comments from colleagues in design and conservation on the design and historic environment considerations in this sensitive location, alongside comments from public protection in relation to air quality, and flood risk and drainage.

PUBLIC PROTECTION

3.26 No objections, comments as follows;

Air Quality

3.27 Public Protection welcomes the relocation of the parking spaces from the city centre to the proposed location, together with the provision of 56 electrical charging points. The no. of electrical charging points equates to 15% of the total number of car parking spaces proposed on the site. This is already well above CYC's current standard (5% active / 5% passive provision).

Contamination

3.28 The Phase 1 Geo-Environmental Assessment by WSP has identified a number of potential sources of contamination at the site, including the anticipated presence of made ground and localised hydrocarbon leaks / spills associated with the site's current use as a car park. Public Protection agree that an intrusive site investigation is needed to find out whether land contamination is present at the site. If contamination is found, remedial action will be required to ensure that the site is

safe and suitable for its proposed use. Recommend the appropriate land contamination conditions.

Lighting

3.29 No details are provided concerning the lighting of the development. The site is located in a slightly darker area within the city centre. There are residential dwellings to the west and south east sides of the development within approximately 100 metres from the proposed parking. Public Protection have received complaints about other car parks in the city in relation to light pollution and glare from the angling of the lighting even within the building envelope. There will also be lighting on the roof top which would be visible and must be designed in a way to minimise light pollution impact and sky glow. As a consequence, it is advised that a condition requiring the approval of a full lighting assessment be attached to any approved proposal.

Construction and Demolition

3.30 Conditions relating to the hours of demolition and construction and requiring the submission of a Construction Environmental Management Plan and details of piling operations, are recommended.

HIGHWAY NETWORK MANAGEMENT

3.31 The TA has been prepared primarily to evaluate the traffic impacts of the proposed St George's field MSCP, which forms part of the Castle Gateway Masterplan. In this regard, it assesses the delays on the network resulting from the crossing of Tower Street and right turn into the MSCP / coach park from Tower Street eastbound to determine whether the residual cumulative impacts of the application on the road network are severe. These elements of the Masterplan are expected to be implemented separately and, potentially, over a different timescale to this application, and these may, ultimately, not be realised. The application must, therefore, also be judged on its own merits. In this regard, although it is unlikely the residual cumulative impacts of the application on the road network would be severe, the TA does not include a sufficiently robust assessment of the road safety implications of the proposed larger MSCP.

3.32 When the application is considered in isolation it is concluded that:

- the higher number of spaces in the MSCP compared to the existing St. Georges Field car park could have an adverse impact on the safety of the MSCP / coach park access / Tower Street junction and the Tower Street / Bishopgate Street junction at times of peak demand for people entering or exiting the car park, which may not coincide with the am and pm peak hours used for traffic modelling purposes;
- the geometry of the new ramps to the MSCP vehicle entrance and coach park may be such that adequate forward visibility is not provided to allow the safe and unobstructed movement of coaches waiting to exit the coach park, without the need for more extensive traffic signal control measures than currently proposed;
- the proposed combined cycleway / footway has the potential to divert pedestrians and cyclists away from a well-used existing route (New Walk) without having an obvious destination at its northern end, thereby compromising the safety of cyclists and causing pedestrians to have a more circuitous route into the city centre;
- the potential exists for vehicle pedestrian collisions to occur on the area of combined cycleway / footway in the vicinity of the accesses to the Marina and the Foss Basin, and on the pedestrian crossing across the access to the MSCP close to its junction with Tower Street.
- the associated crossing on Tower Street, proposed as part of the Castle Gateway Masterplan, will impose considerable delays on the local highway network.

Comments in response to revised plans / additional information

3.33 Response as follows;

- The effect of increased parking provision in the MSCP on road safety at Tower Street is addressed by the proposal for the pedestrian crossing and signalised junction (included in the TA). To be conditioned as off-site highway works.
- Forward visibility over the access ramps – The Coach Visibility on Access Ramp shows that this should be adequate.
- Dispersal of pedestrians and cyclists at Tower Street should be addressed through a condition for the new highway crossing and alterations to Tower Street (as included in the TA), with detail design to be agreed by the local authority and including a full RSA.
- The proposed pedestrian crossing across the access to the MSCP / Coach Park can be addressed through the detailed design process and with the RSA process.

FLOOD RISK MANAGEMENT

Flood Risk (River)

3.34 Conditions requested by the Environment Agency's response should be imposed. An Emergency Flood Evacuation Plan should be submitted for approval to our Emergency Planning Team prior to determination.

Surface Water Drainage

3.35 In line with CYCs Sustainable Drainage Systems Guidance, the use of soakaways or a means of surface water disposal should be explored by carrying out site specific infiltration testing. Existing connected impermeable areas should be proven by way of site specific CCTV Survey and should not be assumed to be 100% impermeable.

3.36 Peak run-off from Brownfield developments must be attenuated to 70% of the existing rate. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change.

EXTERNAL

HISTORIC ENGLAND

3.37 Although we support the aim and objectives of the York Castle Gateway Project, the application does not provide us with the certainty that is required to deliver a major development in this sensitive location or secure the extensive public benefit of the several related development projects. Therefore Historic England is unable to support the MSCP proposal in its present form.

3.38 We remain willing to work with the design team to address the issues identified below and to arrive at a clear and binding commitment establishing how the extensive public benefits are to be secured and delivered. Specific concerns with regard to design elements of the MSCP:

- the inclusion of the solar canopy at roof level of the MSCP: this should not be seen in views from Clifford's Tower,
- the use of the top deck for public events and the impact of the provision of lighting: this must be minimal in views from Clifford's Tower,

- the landscaping around the MSCP and proposed new public space on the west side of the MSCP: this currently lacks the level of detail required in order for the new public realm to make a positive addition to the New Walk Terrace / Terry Avenue Conservation Area.

3.39 Our greater concern however lies in the lack of clarity surrounding the relationship between the several Castle Gateway development projects and the manner in which the public benefit is to be secured. Whilst the proposed MSCP will cause some harm to the significance of the designated heritage assets named above, the public benefit generated by the closure and removal of the existing car park at Clifford's Tower is likely to outweigh that harm, but it needs to be clearly stated and defined.

Comments in response to receipt of revised and amended information

3.40 The Statement of Heritage Significance fails to demonstrate the relationship between harm and public benefit. There are inconsistencies and omissions from the assessment whilst the significance and degree of harm are frequently under-assessed. In some respects the inconsistencies here are of greater concern because of the physical proximity of the MSCP to the castle.

3.41 The landscaping proposals now have greater definition and we welcome the suggested approach. However, we reiterate our previous advice to the effect that the MSCP is too large and does not need the solar canopy which makes it more visible and obtrusive (and therefore more 'harmful') from the top of Clifford's Tower. In a post Covid world, the number of and demand for parking space numbers needs to be revisited to better reflect predictions of vehicle use.

3.42 Historic England remains fully committed to the Castle Gateway masterplan. We understand that the delivery of this ambition requires that a number of inter-related development 'steps' are followed. However, it is only when the harmful impact on heritage assets is fully acknowledged that the parameters for modifications for the design of elements such as elevations of the MSCP can be set. A question remains about the funding gap around the projects and it is still not clear from the additional information submitted whether this funding gap may be critical to the delivery of the overall scheme. The most pressing requirement is that the Assessment of Significance documents are rethought and redrafted to better reflect the reality and impact of the development schemes. Until such time as this has been

achieved and agreed, we continue to have concerns on heritage grounds in respect of these two development proposals.

ENVIRONMENT AGENCY

3.43 No objection subject to a condition that the development be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details.

YORKSHIRE WATER

3.44 If permission is to be granted, a pre-commencement condition requiring details of measures to protect the public sewerage infrastructure to include details of means of access to the pipes, is required in order to protect the local aquatic environment and Yorkshire Water infrastructure.

CANAL AND RIVER TRUST

3.45 The proposed car park would be visible from the riverside corridor, notably in winter. There is a risk that the proposed design, could appear stark and domineering next to the river, as the proposed massing is predominantly a ribbed terracotta tiling treatment that would not appear vastly different from a concrete finish. As such the building does read as architecturally brutal, which intrinsically does not compliment the softer naturalistic riverside setting. The use of an alternative facing material or the expansion of the proposed green wall could help to soften the western elevation to blend it into the riverside setting.

3.46 In our capacity as Navigation Authority of the River Ouse, the developer may need to comply with the Trust's "Code of Practice for Works affecting the Canal and River Trust" so that we can ensure that the impact of the large scale redevelopment on navigation can be appropriately managed. An informative advising the applicant of this is recommended.

NORTH YORKSHIRE POLICE

3.47 Do not support the application. The principle issue is the permeability of the structure, in particular the open-sided ground floor which makes the MSCP and its legitimate users vulnerable to crime and disorder. It is recognised that the ground floor forms part of the flood plain for the river and that it will be allowed to flood.

However, there is an example of enclosed secure car parking on the river front close by, that does not impede flood water and which can also be easily cleaned when flood water recedes. It is also noted that the MSCP will be open 24/7 but will not be staffed during the night. This factor, alongside the structures permeability will make the site very attractive for illegitimate uses and antisocial behaviour to take over to the detriment of the sites intended purpose. This could have a negative impact on the sustainability of the facility.

4.0 REPRESENTATIONS

YORK ENVIRONMENT FORUM

4.1 Objects to the application for the following reasons;

- (i) In the last three decades the Council has developed an extensive network of Park & Ride bus services and an extensive cycle network. However the now comprehensive set of Park & Ride services and local bus services suffer, in terms of reliability, travel times and running costs, from the excessive volume of remaining traffic still using the key radials and inner ring road, and the congestion and unpredictable delays that causes. With the Climate Crisis, the opportunity to substantially reduce the amount of city centre car parking and individual motorised trips to the city centre should be seized, rather than continuing a 1970s approach to transport and parking. The Council should reconsider whether a different approach would allow this plan for a MSCP to be abandoned completely, or at least very substantially reduced in scale. The very substantial proposed investment in the car park could instead be spent on major improvements to the cities cycling network and for additional bus priorities to improve these alternative transport modes attractiveness.
- (ii) The size and bulk height of the proposed multi-storey car park is excessive and impinges too greatly on both the nearby historic York Castle complex and on St. George's fields and especially the historic New Walk. This is due largely to the Council's own requirement to accommodate 372 parking spaces, which appears in part to be financially rather than policy driven. The building is far too large in terms of the capacity of the site and operational need and the justification relies on outdated usage data from a single day in 2010. When almost half the Castle car park had been set

aside for the Shakespearian theatre, we are not aware that the St George's car park became 'full up'. Emeritus Transport Professor Tony May points out that occupancy on Saturdays and Sundays is substantially higher than on weekdays, and that a more focused policy of encouraging park and ride would allow the capacity of the St George's Field and Piccadilly MSCPs to be reduced by around 100 spaces. This would allow the structure to be reduced in height by one level, reducing its overwhelming presence in St. George's Fields.

- (iii) The proposed access and exit proposals to and from the public highway are unacceptable. The impact on the inner ring road is significantly worsened congestion and delay. In terms of pedestrian access, whilst reference is made to a potential new pedestrian / cycle crossing of the inner ring road toward Rainham Mill in the Castle Museum complex this does not appear to form part of this or any current separate planning application or highway proposal. Instead reliance for pedestrian access to and from the car park to town is placed on the New Walk Path under Skeldergate Bridge. This route floods frequently in the winter and spring – so is wholly inappropriate as the sole pedestrian access. We'd point to the potentially very serious consequence when New Walk is flooded. Then the only pedestrian exit will be on to Castle Mills and the only safe way to get there from town is either to walk all the way to the Fishergate / Paragon Street junction to the east, or to the far end of Skeldergate bridge pedestrian crossings. Neither are within sight from the car park access. Almost certainly therefore a chunk of pedestrians will simply cross the dual carriageway and others may try west and will end up crossing at the near end of Skeldergate bridge at considerable risk. Car park users and pedestrians from New Walk south should be able to cross the dual carriageway directly in one movement. This should be dealt with by a Grampian condition which requires the dedicated new cycle / pedestrian crossings completion before the car park is first used.
- (iv) The transport assessment of highway safety past the new access is also inadequate. It makes a superficial appraisal of current accident patterns with no assessment of the impact of the changed situation. This section of the inner ring road is a nightmare for cyclists, yet this is not even mentioned other than in the context of the one existing accident. No consideration appears to have been given to any cycle priorities through the new access junction The Council should provide inner ring road cycle lanes on this

section of Castle Mills to connect to the Skeldergate Bridge / Tower Street cycle lanes. The carriageway could be widened into the redlined site to allow this.

- (v) The application proposes a substantial number of 'disabled parking spaces' for blue-badge users to replace the spaces lost at Clifford's Tower. The existing spaces are 250m from the edge of Parliament Street. The proposed multi-storey car park is 500m. This increased distance is far too far for many disabled people and does not constitute equivalent replacement. Spaces should be set aside much nearer the city centre.

THIRD PARTY REPRESENTATIONS

4.2 20No. third party representations received objecting to the scheme for the following reasons;

- (i) The proposed building, due to its proximity to several nearby heritage assets when combined with its height and mass, will cause substantial harm to the setting of these heritage monuments. Heritage assets which would be affected include Skeldergate Bridge, the listed adjoining park, the City Wall and the last remaining part of the medieval castle and Clifford's Tower.
- (ii) The external appearance and design of the MSCP is poor with excessive horizontality giving a brutal appearance reminiscent of the 1960's. MSCP's do not have to look like MSCP's, see John Lewis MSCP in Leeds. The existing Shambles and Rowntree Wharf MSCP's show how they can be designed to sit well in their surroundings. What is required is a design in which the floor plans do not dictate the form but express the circulation between floors and human scale. The design is unambitious /boring and out of place in this part of York.
- (iii) Impact on views of and from the river. The development is at odds with CYC Policy to sustain the green wedges that come into our city centre. The "green wedges" are crucial to maintaining the integrity of the riverside area. This area is sensitive and this very large development is completely out of scale.

- (iv) The visual impact from residential properties on the west side (Terry Avenue / Postern Close) has not been properly considered and the photomontage only shows the trees in full leaf. For almost half the year the MSCP will be clearly visible from Terry Avenue and residential properties on the west side of the river. It will appear as a stark dark mass in winter. This could be softened by a green living wall, as is being proposed for the side elevations and the retention of the existing hedge, which is earmarked for removal. Great effort appears to have been made to improve the visual impact from heritage viewpoints with little regard for those residents who will have to live with it permanently. Planting young trees would take 50 years before they acted as a sufficient screen.
- (v) The cladding material is described as terracotta tiles and yet in all the visualisation and elevational drawings, it has the appearance of ridged concrete, akin to that used in inner city car parks in the 1970's. This is totally inappropriate material for this sensitive location within a Conservation Area.
- (vi) The proposed living walls would seem to be an attempt to mitigate for the brutal appearance of the terracotta tiles. The amount of living wall proposed will demand extensive and expensive maintenance by the Council to ensure that it actually remains living. There should be an extension of the green wall design to cover more of the skin of the building.
- (vii) There is mention of the possibility of "Public Gatherings" events on the top, any number of which would require a roof top bar to enable the viability of such activities. Such noisy use, and from an elevated position, would be extremely detrimental to the residential amenity currently enjoyed in this quiet residential area.
- (viii) The impact of this building is contrary to the objectives of transport policy for the city and environmental concerns to provide sustainable transport for the future and encourage better modes of transport. On a global scale this MSCP will contribute to human induced climate change from removing trees to construction using concrete and during its lifespan from motor vehicles. Cars need relocating to the park and ride facilities; building a MSCP will attract cars to the city centre maintaining the deplorable status quo of excessive traffic volume and associated pollution. York has

recognized that there is a climate emergency. Where does this huge car park fit into these objective and policies?

- (ix) The size and bulk of the proposed MSCP are due largely to the requirement to accommodate for 372 parking spaces. This is far too large in terms of the capacity of the site and operational need. The justification is to replace the Castle and Castle Mills car parks but the case relies on outdated usage data from 2010. Five months ago, Castle Mills had closed and almost half the Castle car park had been set aside for the theatre. Not aware that the St George's car park became full up during this period. It is suspected that a proper analysis would show that at least one storey of the proposed MSCP could be lopped off. More thought must be given to considering how much of the displaced car parking will be displaced from Castle car park to other car parks like the underused Piccadilly MSCP, or Park & Ride.
- (x) This development will provide space in a sensitive heritage site - surely it makes sense that if there are spaces elsewhere in the City that the cars should drive to those spaces rather than building a five storey car park that is of questionable benefit in such a sensitive area.
- (xi) Some city centre traders have argued that close to centre parking is needed otherwise shoppers will not come; the fact that a number of key stores have all recently closed while there is ample city centre parking negates this argument. The cause for these closures lies elsewhere.
- (xii) The council's argument that the income lost from the closure of the Clifford's Tower carpark needs to be replaced by income from the multi-storey carpark is a myth. The income could be replaced by a small charge at the park-and-ride facilities.
- (xiii) The income from sale of accommodation which is earmarked for the funding of the MSCP should be directed towards Park and Ride if this needs expanding, this investment is more sensible as it provides flexibility to meet changing needs as required, both seasonal and long-term, and does not involve massive capital outlay. Or should be used to make York less polluted and more pedestrian / cycle friendly.
- (xiv) The plan to remove the carpark from around Clifford's Tower and convert this to a green space is to be applauded but it should be taken as an

opportunity to discourage vehicle access into the city. The cars should not be transferred to St Georges Field which should itself be a green space, a green park for the benefit of the ever burgeoning population of inner York.

- (xv) The proposed access and exit proposals to and from the public highway are inadequate. Car park users should be able to cross the dual carriageway directly in one movement.
- (xvi) The application proposes a substantial number of disabled parking spaces for blue badge users to replace the spaces lost at Clifford's Tower. The existing spaces are 250m from the edge of Parliament Street. The proposed multi-storey car park is 500m. This increased distance is too far for many disabled people and does not constitute equivalent replacement. Spaces should be set aside much nearer the centre.
- (xvii) There is no pedestrian access to the river walk from the south side of Skeldergate Bridge or Tower Street without walking all the way round and to the south of the car park (or crossing Skeldergate Bridge road to go down the steps to Tower Gardens on the north side). Could steps and/or a ramp be added opposite the steps down to Tower Gardens?
- (xviii) The gap to the east of the car-park is too narrow - the combination of cycles and groups of passengers sharing this footpath space will be frustrating and dangerous. The width of the carpark should be reduced to allow for a separate cycle way right up to Tower Street.
- (xix) The bus shelter looks like a late add on and is located dangerously where pedestrians and cyclist meet.
- (xx) The master-plan drawing does not show a right turn into the car-park from Tower Street although it is shown in the traffic assessment. This right turn is needed to prevent additional traffic on the Fishergate gyratory system.
- (xxi) The demolition of the toilets is an infringement of human rights to comfort facilities being available to the public, with seemingly no mitigation. WCs should be in a more prominent position.
- (xxii) Loss of trees

- (xxiii) There is already a problem with anti-social behaviour and rough sleeping in the adjacent Tower Gardens. The planned open sided ground floor, which will not be staffed overnight, is likely to lead to similar issues, which will have a negative effect on the large number of residential properties on Terry Avenue and impact the safety of evening and late night car park users.
- (xxiv) The planning statement says that no air quality impact assessment is necessary as the number of car parking spaces is slightly less than the combined St Georges Field and current Castle Car Park site. Surely air quality will be affected by a much higher concentration of cars in a much smaller area. Why has this not been investigated and reported on?
- (xxv) The site is flood plain and does flood. Should, in the light of possible climate change, we be building on such areas?
- (xxvi) There needs to be specific electric vehicle charging points within the disabled bays. Only 18% of the spaces have charging facilities, this needs to be nearer 35%. The charging spaces should be powered by roof mounted solar PV arrays and battery provision.
- (xxvii) Cycle / e-scooter racks should be included.
- (xxviii) In the past few months, the way we live has changed and perhaps a fundamental rethink on this project is now due.
- (xxix) Would the carpark fulfil its purpose? People on an evening would like to park closer to the centre and not in a MSCP.

4.3 One representation received in support of the scheme making the following comments;

With regard to the overall aesthetic and mass of the design, it is an appropriate solution. It is not a particularly obtrusive structure due to the level of the existing car parking being significantly lower than the neighbouring road leading to Skeldergate Bridge. The design seems well thought out in terms of access for cars and pedestrian circulation. The plan also allows for increased public space for pedestrian use around its perimeter which currently does not exist. Although disappointed that the applicants have adopted some cynical and unimaginative strategies such as

copious green walls that inevitably will not materialise, it is however a strong application which I fully support.

4.4 A second representation received broadly in support of the scheme but requesting committee to pay particular attention to the scale and massing from the various viewpoints especially given that the visualisations only show the trees at maximum leaf density.

5.0 APPRAISAL

5.1 The key issues to be considered as part of this application are:-

- Principle of the proposed development
- Design and External Appearance
- Impact on Designated Heritage Assets (Listed Buildings / Conservation Area / Archaeology)
- Landscaping
- Ecology
- Transport and Access
- Flood Risk and Drainage
- Neighbouring Uses
- Crime
- Sustainable Design and Construction

POLICY CONTEXT

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

National Planning Policy Framework (February 2019)

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies

in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Relevant draft policies are set out in section 2 of this report.

2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF DEVELOPMENT

5.7 Paragraph 11 of the NPPF requires decision makers to approve development proposals that accord with an up-to-date development plan without delay.

5.8 The proposed development forms a key component of the York Castle Gateway Masterplan development proposals, which are addressed in Policy SS5 of the 2018 Draft Plan. Policy SS5 identifies Castle Gateway as an “Area of Opportunity”, a major regeneration area of the city centre and an area home to 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. St George’s Field has been identified within the Castle Gateway regeneration plans as an opportunity to provide enhanced car parking arrangements through the development of a multi-storey car park, to replace the existing parking at Castle Car Park.

5.9 Taking into account the existing number of spaces at St George’s Field (156), the spaces which would be lost at Castle Car Park (349) and the 372 spaces to be provided in the proposed MSCP, the overall provision in this area of the city centre would be reduced by 133 spaces from 505 to 372 with car parking and associated traffic moved outside of the inner ring road.

5.10 The Planning Statement accompanying the application states that “*the proposed development seeks to maximise the potential of the site by extending the role of St. George’s Field and the Foss Basin as an arrival point and gateway to the city, providing the scope to create stronger pedestrian and cycle routes through the area and make more of the waterside setting for recreation*”. In the context of the proposed development replacing the existing Castle Car Park and involving a reduction in the overall number of car parking spaces, these aspirations accord with 2018 Draft Plan Policy SS3 (York City Centre) which seeks to ensure that the city centre remains the focus for main town centre uses and encourages proposals that promote accessibility and movement, particularly those that prioritise pedestrian and cycle movement and improve linkages between key places. It also broadly accords with NPPF policy, which seeks to support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation (Paragraph 85).

DESIGN AND EXTERNAL APPEARANCE

5.11 Chapter 12 of the NPPF gives advice on achieving well-designed places. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments.

5.12 At paragraph 130, the NPPF advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in Policy GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 Draft Local Plan.

Scale and Design

5.13 It is acknowledged that any large freestanding building on this open site would be viewable from all sides as an object in the landscape, unrelated to a street or urban block, which therefore will stand out architecturally. The proximity of the proposed development to the Castle site (Debtor's Court, Female Prison and Assize Court), which are also large buildings in an open landscape, would create an architectural relationship between the buildings and would affect their setting. Some level of harm is considered to be inevitable and therefore ensuring the least harmful approach, in terms of being satisfied that the overall size of the development, a function of the car parking numbers, is minimised and ensuring a high quality design, is considered critical.

5.14 In terms of size and in response to the applicant being asked to demonstrate that the number of proposed spaces is the lowest feasible given projected car use, anticipated occupancy levels and promotion of other more sustainable means of transport, the applicant has confirmed that a clear brief given to the project was to replace any lost car parking, which with the constraints of the site, has already been compromised with the proposals involving the loss of a significant number of spaces from city centre car parking capacity. In addition, the applicant notes that the multi-storey car park is an expensive building due to the site constraints and is very small for a multi-storey car park. Much of the build cost of the car park is within the foundations and therefore the more spaces and levels a car park has, the more economical it is to build. In response to comments that the car park should lose a further storey, the applicant states that this would both result in a further loss of car parking capacity and would compromise viability by increasing the cost per space.

5.15 The proposed development has sought to limit visual bulk. The floors are 3 metres floor to floor, so overall it would appear from most angles similar to the height of a four storey apartment building with a recessed top fifth floor. However, due to the sloping site, the building will visually appear as three floors from the elevation nearest the Castle site. The external feature staircase has been re-sited as

far as practical away from the Castle site and the building is generally without anything superfluous that would add bulk in sensitive places.

5.16 Officers support the “honest” visual expression for the car park fenestration. Architectural flourishes are limited to certain components such as the promenading staircase and sections of green wall, all focused on the New Walk elevation. The long, plain east (Foss) elevation is considered to be a weaker part of the proposal and as such Officers asked whether additional trees could be planted along this elevation. Revised plans have been submitted which detail the planting of 7No additional trees along the eastern boundary.

5.17 The merits of the solar canopy, which divides opinion, is assessed at paras 5.24 and 5.25. The lighting design is also considered to be critical not only in aesthetic terms to ensure the building is not illuminated as a feature but to prevent light pollution / sky glow to safeguard residential amenity and to minimise the ecological impact. The key areas to be illuminated are the green walls, the external feature stair, the main entrance facade and the top deck and it is acknowledged that even if lighting is highly controlled, inevitably the open decks will spill light at night. A condition to ensure a lighting design that is as subdued as possible is required.

IMPACT ON HERITAGE ASSETS

5.18 The site is within the New Walk / Terry Avenue Conservation Area and within an Area of Archaeological Importance. It also is within City of York Historic Characterisation Project, Character Area 66 “Fishergate - River Ouse” and abuts Character Area 13 (The Castle area) of the York Central Historic Core Conservation Area Appraisal (YCHCCA), which includes, in addition to Clifford's Tower and the castle remains, the following designated heritage assets: The Crown Court and railings, Grade I, Castle Museum and Debtors Prison, Grade I, and Castle Museum and Female Prison, Grade I.

5.19 The Character area statements set out important considerations for each area which must be met by any new development. Character Area 66 “Fishergate - River Ouse” (2013) recommends that any new development in the area should be sympathetic in terms of style, material, proportions and density and should complement and enhance existing character. It states that “*the existing car and coach park is a degraded space and opportunities for enhancement of the landscaping could usefully be identified. This is an important visitor destination and the pedestrian journey from here to the city centre could be significantly improved*”.

The document also advises that “*key views of major heritage assets and local landmarks should be maintained and enhanced to help orientation and enhance local distinctiveness*”.

5.20 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area (or the setting of a listed building,) the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise.

5.21 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.22 The NPPF continues by advising that local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, 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.

Conservation Area and Setting of Listed Buildings

5.23 The site is highly sensitive and significant given its location within the Conservation Area and its proximity to such heritage assets as Cliffords Tower, the Crown Court and the Castle Museum. This significance contributes to the characteristic of the conservation area, the historic setting of the city as an area and the individual assets within it. The development will affect the setting of various

heritage assets however it is considered that the simplicity of the design, the palette of materials and management of scale would allow this large building to remain sufficiently subservient in relation to the setting of the various heritage assets. The use of terracotta cladding also allows the building to blend into the context of the many other brick buildings around, whilst at the same time, allowing the stone of the various heritage assets to remain dominant.

5.24 Concerns have been raised by the Council's Conservation Architect and Historic England with regards to the proposed solar canopy in terms of it making the development more visible and obtrusive (and therefore more harmful to heritage significance) particularly in views from the top of Clifford's Tower. The point is made that no assessment of the potential for sunlight to be reflected from the panels has been undertaken, essential as there is the potential for these panels to reflect light and seriously impinge on views.

5.25 These objections are noted and whilst it is acknowledged that the canopy would add bulk and may be reflective, aside from the clear sustainability benefits of using approximately 500sq.m of roofspace for PV installation, it has the potential to break up the roofline, help control lighting and mask views of some of the cars. If Officers are to support the solar canopy, it would be on the basis of a condition to achieve a very high design quality for the solar canopy.

5.26 Taken as a whole, the development proposals, by virtue of its scale and massing, would harm the setting of a number of heritage assets. The legal test requires considerable importance and weight to be given to the desirability of avoiding such harm. The NPPF also requires great weight to be given to such harm in the planning balance, despite it being minor. The harm is assessed as "less than substantial".

5.27 Balanced against the identified harm to heritage assets caused by the proposed development are a number of public benefits which link to the wider Castle Gateway Masterplan, the key element being the closure of the Castle Car Park, a poor quality surface car park which surrounds and has a damaging impact on the setting of Clifford's Tower and the Eye of York and its replacement with a flexible, multi-purpose, vibrant area of public realm.

5.28 Throughout the public engagement process, businesses and retailers were clear that they would only support the closure of Castle Car Park if alternative city centre car parking was provided in the area. In addition, with the Castle car park

generating £1.2 m a year, used to fund wider council budgets and services, a key brief for the project was to ensure that this revenue stream was retained. The proposed development, whilst reducing the overall amount of spaces by 133, would replace the lost income and provide the replacement parking required for the closure of Castle Car Park and would move car parking and associated traffic outside of the inner ring road.

5.29 Further public benefits involve the creation of a public landscaped open space, where there is currently tarmac, which pedestrians would access from a number of locations along New Walk and the improved permeability through St. George's Field with a new shared cycle/ pedestrian path providing an alternative route from New Walk to Tower Street. This path would link to the proposed new surface level crossing on Tower Street which would in turn access the new public realm and bridge associated with the Castle Mills application thus significantly improving pedestrian and cycle connectivity within the wider neighbourhood. The Tower Street crossing, which forms a part of the wider Masterplan, is outside of the application site boundary but would be subject to an off-site Highway works condition.

5.30 These public benefits are significant and far reaching and have the potential to enhance the setting of heritage assets. It is acknowledged however that these wider public benefits cannot be secured through this planning application and there is a lack of certainty that these benefits can be realised given the long timescale of the project and funding complexities. Historic England are unable to support the applications for this reason, advising that they are not convinced that there is an adequate mechanism in place to ensure the delivery of the public benefits. Questions are therefore asked as to the weight that can be attributed to these public benefits in the exercise of balancing them with the identified harm to heritage assets.

5.31 To address these comments, the applicant has submitted a supplementary note explaining the relationship between the St George's and Castle Mills applications and the delivery of the Masterplan. The applicant confirms that it would accept a planning condition, or other form of restriction, to be applied requiring the Castle car park to close within 3 months of the St. Georges Field MSCP becoming operational.

5.32 It should be noted that whilst the closure of the Castle car park can be secured by means of a condition (to include a requirement that all ticket machines and associated car park signs be removed), the details of the public realm works would

be the subject of a future separate planning application. The applicant has confirmed that this body of work would be brought forward in to the first phase of development to ensure permission would be in place to create a shovel ready scheme and to help secure any external funding that may become available. With this approach, it is acknowledged that whilst the removal of cars from this area would result from the implementation of the permission, the works to transform the space into a flexible, multi-purpose, vibrant area of public realm would not be secured.

5.33 Officers are satisfied that adequate mechanisms are in place to ensure the delivery of the public benefits identified above. Therefore whilst it is considered that less than substantial harm to the setting of a number of heritage assets would result, this harm is considered to be outweighed by the closure of the Castle Car Park and improvements to pedestrian and cycle connectivity. Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

Archaeology

5.34 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. 2005 Development Control Local Plan Policy HE10 and 2018 Draft Plan Policy D6 reflect national planning guidance.

5.35 The archaeological features and deposits on the application site are undesignated heritage assets of potential national significance that lie within the designated Area of Archaeological Importance. The site also lies adjacent to and includes part of the footprint of a scheduled monument, the remains of St Georges Chapel, an evaluation of which was carried out in 1990 by York Archaeological Trust (YAT).

5.36 In terms of archaeological deposits on the site, a borehole evaluation and water monitoring program was undertaken to characterise the hydrological regime across the site, the archaeological deposits and their state of preservation. Investigations revealed waterlogged deposits of possible medieval date associated with prolonged dumping of domestic refuse that overlie a series of alluvial flooding deposits with a possible Roman horizon or dumping event across the site. Covering this material, modern land reclamation has sealed in lower deposits further sealed by modern car park levelling and surfacing. The monitoring reveals that the archaeological deposits

are hydrologically connected with the River Ouse with the data indicative of anoxic and reducing conditions which are ideal for the preservation of organic archaeological materials.

5.37 The creation of the sewer diversion and additional drainage requirements is expected to impact upon the modern and post-medieval levelling deposits up to c.4m below current ground level. This will include excavation through saturated layers which may also impinge into the medieval dumping deposits. The foundation design for the car park, anticipated to be a piled foundation design, will also impact upon the modern and possibly post-medieval archaeological deposits with piles extending into archaeological layers of all periods. In accordance with Emerging Local Plan Policy D6, the foundation design will ensure that the saturated deposits are not cut off from recharge by the river and that no less than 95% of archaeological deposits are preserved in-situ. Any harm is considered to be less than substantial, outweighed by the public benefits identified above, and can be mitigated by conditions.

LANDSCAPING

5.38 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained.

5.39 The proposed development would result in the loss of 14no. trees including one large Lime. This Lime positively contributes to the landscape character of the area as it is an attractive, prominent, individual tree however it is acknowledged that its retention would pose too much of a restriction on the efficacy of the proposed development. Whilst the remaining trees to be lost contribute to the overall tree cover in the immediate area, it is considered that their loss would be mitigated by the 25No. replacement trees and the creation of a new open space.

5.40 Officers consider the landscape masterplan and proposed planting to be perceptively simple and considered with a significant merit of the scheme being the creation of a public open space where there is currently tarmac. This introduces a good arrival space with strong connections to the river, and access to the city centre

under Skeldergate Bridge. The incorporation of green walls into the car park elevations is also fully supported.

5.41 In order to soften views of the proposed development across the Foss basin from the inner ring road, Officers requested that additional trees be added to the meadow area and/or within the vicinity of the scheduled ancient monument and to the boundary with Tower Street bridge. Revised plans have been submitted which detail the planting of 7No additional trees along the eastern boundary and although the applicant has agreed with the principle of additional tree planting on the boundary with Tower Street, notes that whilst the Scheduled Ancient Monument should not be a constraint to planting trees, the consent of Historic England will be required. The applicant requests that the additional tree planting (and other required detailed information), be addressed by means of detailed landscaping conditions, which is acceptable but does lead to an element of risk, either by way of unforeseen harm to existing trees, or an inability to fully meet the design aspirations proposed by the applicant, or the quality of detail expected by CYC. In accepting this risk, it is considered that subject to the imposition of detailed landscaping conditions, the proposal accords with Emerging Plan Policy D2 and Paragraph 170 of the NPPF which seeks to ensure valued landscapes are protected and enhanced.

ECOLOGY

5.42 Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, any development should result in net gain to, and help to improve, biodiversity.

5.43 The habitats within the application site are generally of low ecological value although there are scattered trees and hedgerows which have value at a site level. Bat surveys were carried out on the toilet block and four of the trees to be felled which identified them as having low suitability to support roosting bats. A dawn re-entry survey also recorded no bats displaying roosting behaviour and bat activity to be generally low.

5.44 Within the western bank of the Foss Basin there is an artificial otter holt which would not be impacted by the proposals. The new landscaping proposals include an area of wetland meadow close to the area of the artificial otter holt which provides a more natural habitat setting. The wetland meadows and the green living wall will also benefit invertebrates (pollinators) and in turn species of bat and birds. To further enhance the scheme, a condition requiring the provision of integrated bat

boxes and bird boxes would be attached to the decision. It is anticipated that these would be introduced to the trees adjacent to New Walk within the site boundary. A condition to ensure that any lighting scheme minimises light spill onto surrounding trees and the rivers, is also recommended.

HIGHWAYS AND PARKING

5.45 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.46 The existing car park is accessed off Tower Street, approximately 50m east of the Tower Street / Bishopgate Street junction. At this location Tower Street is a dual carriageway with the eastbound and westbound carriageways separated by a central reservation. Vehicles turn left-in off Tower Street westbound to enter the existing car park and left-out onto Tower Street westbound to exit.

5.47 The proposed development would involve a similar left-in and left-out arrangement as currently exists with the submitted Transport Assessment (TA) stating that 'as part of the development the access to the site would also be redeveloped from a 'Left in, Left out' priority junction into a signal controlled junction which would also allow access for eastbound traffic via a right turn lane.' A two way access ramp would take vehicles over an existing flood wall with the access road to the coach park reducing to a single lane 3.5m wide over a distance of approximately 16.5m in front of the pedestrian entrance to the MSCP.

5.48 In addition to the new MSCP / revised coach park layout, the application includes the provision of a new shared cycle/footway to the east of the MSCP providing an alternative route from New Walk to Tower Street improving permeability through St George's Fields. As part of the wider masterplan, it is also intended to connect the shared cycle/footway to a new shared cycle/footway on the west bank of the River Foss on the north side of Tower Street via a new pedestrian/cycle crossing on Tower Street.

5.49 The overall provision of car parking in this area of the city centre would be reduced by 133 spaces from 505 to 372, consequently whilst the number of vehicles entering and exiting the new larger MSCP compared to the number currently entering and exiting the existing car park would be increased, this increase would

not be considered to have a severe impact on the operation of the surrounding highway network. It is noted however that the new pedestrian / cycle crossing and the potential right-turn of Tower Street eastbound into the MSCP / coach Park will impose delays on the local highway network.

5.50 The key issues from a highways perspective relate to the following road safety issues;

- Effect of increased parking provision in the MSCP on road safety at Tower Street
- Forward visibility over the access ramps
- Dispersal of pedestrians and cyclists at Tower Street
- The proposed pedestrian crossing across the access to the MSCP / Coach Park

Effect of increased parking provision in the MSCP on road safety at Tower Street

5.51 The existing access to the St George's Field Car Park is close to the westbound approach lanes to the Tower Street / Bishopgate Street junction. The proximity of the access to the junction is such that safety could be adversely affected by an increase in vehicles turning in and out of the MSCP as a result of the higher number of parking spaces, and the route choices these vehicles take. Officers consider that these issues can be addressed by the proposal for the pedestrian crossing and signalised crossing which would be secured by condition.

Forward visibility over the access ramps

5.52 A two way access ramp would take vehicles over an existing flood wall with the access road to the coach park reducing to a single lane 3.5m wide over a distance of approximately 16.5m in front of the pedestrian entrance to the MSCP. In response to Officer concerns that there may be insufficient forward visibility over the ramps leading up to the MSCP vehicle entrance for coaches to safely exit the coach park without obstructing the section of single lane carriageway, an additional drawing illustrating the horizontal and vertical visibility over the ramp, has been submitted. This additional plan demonstrates that coach visibility on access ramp should be adequate.

Dispersal of pedestrians and cyclists at Tower Street

5.53 Although the Castle Gateway Masterplan details a crossing of Tower Street connecting the combined cycle path / footway from the MSCP side of Tower Street to the Castle Mills side of Tower Street, this crossing is not included within the

application site. For the purposes of this application, the proposed cycle path / footway terminates at the car park access / Tower Street junction. At this location pedestrians can continue along the footway on the south side of Tower Street, but the walk distance to the nearest controlled crossing is more than 250m away. For cyclists there is no apparent suitable route to continue from this point. Therefore, until such time as the crossing of Tower Street is in place, the proposed combined cycleway / footway has the potential to divert pedestrians and cyclists away from a well-used existing route (New Walk) without having an obvious destination at its northern end.

5.54 To address this issue, conditions requiring the new pedestrian / cyclist crossing over Tower Street and alterations to Tower Street (as included in the Transport Assessment) and a full three stage Road Safety Audit are recommended. This would prevent the MSCP coming into use until these highway works have been completed. An additional condition requiring an interim layout, to take account of the eventuality that the proposed crossing of Tower Street as part of the wider Castle Gateway Masterplan is not realised, is recommended.

The proposed pedestrian crossing across the access to the MSCP / Coach Park

5.55 Although Officers had raised concerns that the proposed pedestrian crossing across the MSCP access (close to the Tower Street junction and to the accesses to the Marina and Foss Basin) has the potential for vehicle pedestrian collisions to occur with the submitted drawings showing no separate delineation of the accesses to the Marina and the Foss Basin, it is considered that this issue can be satisfactorily addressed through the detailed design process and the Road Safety Audit process (to be required by condition).

FLOOD RISK AND DRAINAGE

5.56 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- And development is appropriately flood resilient and resistant;

- It incorporates sustainable drainage systems, unless there is clear evidence that would be inappropriate;
- Any residual risk can be safely managed;
- And safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.57 The proposed development is located within the floodplain of the River Foss (Flood Risk Zone 3) and therefore has a high probability of flooding. The submitted Flood Risk Assessment (FRA) demonstrates that the development would be safe to users and would not adversely impact on flooding elsewhere. In respect to ensuring safety of users, the car park would operate a system of closure of the ground floor of the MSCP and coach park area during flooding, or when flooding is expected. The access and remaining floors of the MSCP are located above the flood level and can remain in use during a flood event.

5.58 In terms of preventing adverse impacts to receptors elsewhere, the MSCP adopts a passive and flood sensitive design to minimise the impact on flood storage and conveyance. The use of such measures has reduced the loss of storage by 326 cubic metres representing approximately 1.5% of the total storage of St George's Field for the 1 in 100 year plus 30% climate change. The impact of the loss of floodplain caused by the MSCP is therefore considered to be negligible.

5.59 The Environment Agency raises no objection to the application subject to a condition that the development be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details.

Drainage

5.60 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. 2018 Draft Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

5.61 The site currently drains via a conventional network of surface gullies which connect to underground piped drainage discharging to the River Ouse. As part of the development of St George's Field, it is proposed to retain the majority of the existing drainage strategy but include a number of aspects to provide improvements to both the quality and quantity of runoff discharged. The Council's Drainage

Engineer has instead requested the applicant explore the use of soakaways as a means of surface water disposal (in line with the Council's Sustainable Drainage Systems Guidance for Developers) and to undertake site specific infiltration testing and has requested that the applicant proves through CCTV survey, existing connected impermeable areas.

5.62 Further information from the applicant together with an updated response from the Flood Risk Management team, are awaited. Members will be updated at the meeting.

IMPACT ON NEIGHBOURING USES

5.63 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is reflected in policy D1 of the 2018 Draft Plan which requires that development considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.64 There are residential dwellings to the west and south east of the development (on the opposite side of the River Ouse and Foss Basin respectively) within approximately 100 metres from the proposed MSCP. A Construction Environment Management Plan (CEMP) condition for minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development, would be a requirement to minimise the impacts on local residents. In addition, as the site is located in a slightly darker area within the city centre and given that the development has the potential to cause light pollution and sky glow, a condition requiring the submission of a lighting scheme in which consideration is given to sky glow impact, luminaire intensity of the lighting and any impacts of brightness and angle of lighting towards the residential areas to the west and south east, is recommended.

5.65 The Design and Access Statement notes that the top floor of the MSCP provides a space which has significant potential for alternative uses other than car parking with the number of access points allowing for a space with a capacity of up to 500 people. The Statement provides examples of how the space could be used (drive in cinema, outdoor seating, pop up food stalls, markets, pop up playground)

but notes that “no decision has yet been made on whether events will take place, what those events would be, and when they would happen”.

5.66 On the basis of the limited information provided, Officers note that whilst a limited number of events may be considered de-minimus, thereby not requiring planning permission, such events if more frequent, will require permission alongside other relevant consents such as licensing.

DESIGNING OUT CRIME

5.67 Policy D1 of the 2018 Draft Plan advises that developments should be designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

5.68 The car park would be open and operational 24 hours a day and whilst it would not be staffed at night, it would be well lit, covered by CCTV and form part of the regular security patrols by the council’s security contractor. The ground floor has been designed to be open to the adjacent public realm without any public fencing to ensure that debris does not accumulate on and damage any fencing when the river is in flood and to allow ease of post flood clean up. The Environment Agency required as few restrictions as possible to the flow of water through the ground floor of the car park.

5.69 The objections of the Designing Out Crime Officer that the open sided ground floor and the fact that it would not be staffed at night, makes the MSCP and its users vulnerable to crime and disorder, are noted. However, given that the MSCP would be open 24 hours with access available from other entry points, the merits of enclosing the ground floor, is questioned. It would be a Council car park and therefore staffing and security to address issues relating to crime and disorder, could be increased in the future should the need arise.

SUSTAINABILITY

5.70 Policy CC1 (Renewable and Low Carbon Energy Generation and Storage) of the 2018 Draft Plan requires all new buildings to achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The 28% reduction relates to reduction through renewable energy sources but it can also be achieved through a combined package including energy efficiency as set out in Policy CC2 (Sustainable Design and Construction). This is particularly

relevant with a building such as a MSCP which, due its very nature, presents difficulties in providing energy efficiency measures.

5.71 For non-residential buildings, the 28% reduction applies and in meeting this, Policy CC2 sets out that for BREEAM, Excellent (or equivalent) should be achieved. In accordance with Policy CC2, the application is supported by a CEEQUAL pre-assessment. CEEQUAL is an evidence based sustainability assessment, rating and awards scheme for civil engineering, infrastructure, landscaping and public realm projects. This falls under the “or equivalent” part of Policy CC2.

5.72 CEEQUAL’s Methodology assesses the extent to which the project has exceeded statutory and regulatory standards. ‘Very good’ is a score of 60%, excellent is a score of 75%. The submitted CEEQUAL pre-assessment report concludes that a CEEQUAL ‘Very Good’ rating, with a target score of 70.61%, is currently anticipated. Very good standard represents advanced good practice and at 70.61% is well beyond the minimum for a very good score.

5.73 In addition to the CEEQUAL pre-assessment, the submitted sustainability statement demonstrates energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. This details that the building will have a durable concrete frame and sustainable materials including terracotta cladding and a green living wall and would make provision for 56no. electrical charging points equating to 15% of the total number of parking spaces above the current standard for CYC of 5% active / 5% passive provision. Southern facing roofs would be suitable for Photovoltaic cells (PVs).

5.74 In view of the above considerations, Officers consider that the proposed development is broadly compliant with Policies CC1 and CC2. A condition is recommended to ensure the multi storey car park is constructed to a CEEQUAL standard of at least 'Very Good'.

CONCLUSION

6.1 The proposed development forms a key component of the York Castle Gateway Masterplan development proposals, which are addressed in Policy SS5 of the 2018 Draft Plan and offers the opportunity for alternative car parking arrangements to replace the existing parking at Castle car park. The site falls within Flood Risk 3 and

lies in a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and in the Area of Archaeological Importance. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply. The proposal, by virtue of its scale and massing, would result in harm to the setting of a number of designated and non-designated (archaeology) heritage assets.

6.2 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 . The harm to result is considered to be less than substantial and is outweighed by the environmental and social benefits associated with the closure of the Castle car park and improvements to pedestrian and cycle connectivity within the wider neighbourhood. Whilst the harm is assessed as being less than substantial, such harm has been afforded considerable importance and weight in the overall planning balance.

6.3 As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

SGF-BDP-ZZ-XX-DR-A-00-1001 (Site Location with red line boundary)

SGF-BDP-ZZ-XX-DR-A-00-1010 Rev A (Red line boundary and Castle Car Park Ownership Plan)

SGF-BDP-ZZ-01-DR-A-20-1101_D (Site Plan Vehicular Access - Level 01)

SGF-BDP-ZZ-05-DR-A-20-1102_C (Site Plan Roof Level)

SGF-BDP-ZZ-SEC-DR-A-20-1271 (Coach Visibility on Access Ramp)

SGF-BDP-ZZ-00-DR-A-20-1210_E (Proposed Ground Floor Plan)

SGF-BDP-ZZ-01-DR-A-20-1211_C (Proposed Plan - Level 01)

Application Reference Number: 19/02063/FULM

Item No: 3b

SGF-BDP-ZZ-02-DR-A-20-1212_C (Proposed Plan - Level 02)
SGF-BDP-ZZ-03-DR-A-20-1213_C (Proposed Plan - Level 03)
SGF-BDP-ZZ-04-DR-A-20-1214_C (Proposed Plan - Level 04)
SGF-BDP-ZZ-05-DR-A-20-1215_C (Solar Canopy)

SGF-BDP-ZZ-ELE-DR-A-20-1240_B (Proposed Elevations 1 of 3)
SGF-BDP-ZZ-ELE-DR-A-20-1241_B (Proposed Elevations 2 of 3)
SGF-BDP-ZZ-ELE-DR-A-20-1242_B (Proposed Elevations 3 of 3)

SGF-BDP-ZZ-SEC-DR-A-20-1270_A (Proposed Sections)

SGF-BDP-ZZ-ZZ-DR-A-20-1310_B (Typical Bays 01 & 02)
SGF-BDP-ZZ-ZZ-DR-A-20-1311_B (Typical Bays 03 & 04)
SGF-BDP-ZZ-ZZ-DR-A-20-1312_B (Typical Bay 05)

SGF-BDP-ZZ-XX-DR-L-90-001 P02 (Illustrative Masterplan)
SGF-BDP-ZZ-XX-DR-L-90-002 (Landscape Planting - Strategy Plan)
SGF-BDP-ZZ-XX-DR-L-90-003 (Tree Removal Plan)
SGF-BDP-ZZ-XX-DR-L-90-004 (Tree Constraints Protection Plan)
SGF-BDP-ZZ-XX-DR-L-90-005 (Landscape Long Sections 1 of 2)
SGF-BDP-ZZ-XX-DR-L-90-006 P01 (Landscape Long Sections 2 of 2)
SGF-BDP-ZZ-XX-DR-L-90-101 Rev P02 (Landscape General Arrangement 1 of 2)
SGF-BDP-ZZ-XX-DR-L-90-102 Rev P01 (Landscape General Arrangement 2 of 2)
SGF-BDP-ZZ-XX-DR-L-90-201 P01 (Landscape Proposed Levels Plan Sheet 1 of 2)
SGF-BDP-ZZ-XX-DR-L-90-202 P01 (Landscape Proposed Levels Plan Sheet 2 of 2)
SGF-BDP-ZZ-XX-DR-L-90-301 (Field Sketch)

Flood Risk Assessment (70034291-FRA-001, dated September 2019)
Drainage Strategy

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

3. Prior to the commencement of above ground development, 1:20 annotated and dimensioned drawings in plan, section, elevation and possible 3D (as necessary to describe complexity) for the following detail types, are to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details;

- (i) Typical bay drawings for each wall type, where varying in design, and/or wall material. To include interfaces at ground level and upper parapet or roof level where appropriate.
- (ii) Typical public staircases, ramps, viewing platforms and any externally visible balustrading.

- (iii) Any exposed soffits and their transitions.
- (iv) All external boundary treatment, including gates.
- (v) All types of retaining walls where not soft landscape finished and where larger than 1m change in level.
- (vi) Details of the solar canopy (at a scale of 1:10) showing the design of the structure supporting the panels and the design of the panels themselves.
- (vii) Details of the terracotta cladding proposed and the 'ribbed' pattern design.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

4. On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features, shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The sample panel shall be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be 1x1.2m. The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel shall remain on site for the duration of the brickwork package.

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

5. Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of the construction of the building envelope. For clarity, this includes vision and any non-vision glazing, flat or pitched roofs. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices, it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located. Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

6. On-site mock-up sample constructions for the following building parts are to be constructed, and subsequently approved in writing by the Local Planning Authority prior to their full construction. The mock up should be 1:1 scale but shortened overall sizes of elements can be included. The contents and size of the mock-ups

shall be agreed by the Local Planning Authority in advance of their construction.

- (i) Corten perforated cladding car park bay
- (ii) Terracotta cladding car park bay

Reason: To explain the construction interfaces in three dimensions and impart an overall impression of quality of the proposed construction systems at important locations and/or for highly repeated features, in order to ensure the achievement of an overall satisfactory standard of construction quality.

7. For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings), service penetrations (ducts, vents etc.) shall be no higher than the top of parapet. Any such proposals above parapet level shall be submitted to and approved in writing by the Local Planning Authority. Permanent external wall fixed equipment used to service the building are not permissible unless subsequently agreed by the Local Planning Authority through the submission of drawings.

Reason: In the interests of the character and appearance of the Conservation Area.

8. Prior to the construction of any works above the ground floor slab, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants that 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 variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

9. Prior to the commencement of development including demolition, excavations, building operations, a complete and detailed Arboricultural Method Statement 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. Amongst others, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, types of construction

machinery/vehicles to be used, means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. The development shall be carried out in accordance with the approved Method Statement. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

10. Prior to the construction of any works above the ground floor slab, the final construction details, including the irrigation system, management details, and planting specifications, for the proposed green wall shall be submitted to and approved in writing by the Local Planning Authority. The green wall shall be implemented and maintained in accordance with the approved details, unless otherwise agreed in writing, for the life of the development.

Reason: The green wall is part of the approved design intention and visual mitigation of the development.

11. Prior to the development being occupied, a scheme for external lighting (building and open spaces) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting and shall include plans and elevations as necessary and technical and non-technical documentation, in order to explain the quality of the lighting proposal and to demonstrate non-intrusive impact of the proposal to both expert and non-expert. The development shall be carried out in accordance with the approved lighting scheme. Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Note: The lighting scheme shall be informed and accompanied by a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: To ensure that the development is well lit, providing natural surveillance

and make it safe for users. To safeguard residential amenity. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within the conservation area and wider views of the city. On ecology grounds - to minimise light spill onto surrounding trees and the rivers.

12. The development hereby permitted shall not come into use until details of an ecological scheme of enhancement to comprise of integrated bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed/constructed prior to first use of the development in accordance with the approved details and thereafter retained.

Reason: To take account of and to enhance the habitat for a protected species.

13. A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and the nearby junctions, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site. More specifically, the RSA should include an assessment of:

- The MSCP / coach park exit onto Tower Street (taking account of additional vehicles exiting arising from the car park being made larger)
- The Tower street Bishopgate Street junction (taking account of additional vehicles exiting arising from the car park being made larger)
- The section of Tower Street from its junction with Fulford Road / Paragon Street and the its junction with the MSCP access
- The access ramps to the MSCP vehicle entrance and the Coach Park
- The combined cycleway / footway, particularly its northern termination
- The pedestrian crossing in the vicinity of the MSCP access junction with Tower Street and the accesses to the Marina and the Foss Basin

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

14. Prior to development taking place, details of an interim layout to account for the eventuality that the proposed crossing of Tower Street as part of the wider Castle Gateway Masterplan is not realised is to be submitted to and approved in writing by the Local Planning Authority. The interim layout is to be informed by the Road Safety Audit.

Reason: In the interests of the safe and free passage of highway users.

15. Fully detailed drawings illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by

the Local Planning Authority prior to the start of construction on site. The development hereby permitted shall be implemented and thereafter operated in accordance with the approved details.

Reason: In the interests of highway safety.

16. The development hereby permitted shall not come into use until the following highway works (at the junction of the access to MSCP / coach park and Tower Street, have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

- construction of the combined cycleway / footway on east side,
- enlarged paved area on west side
- pedestrian / cycle crossing and
- all required works on Tower Street

Reason: In the interests of the safe and free passage of highway users.

17. Prior to first use of the car park, 56 no. Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles (parking bay markings and signage should reflect this) . Prior to first use, an Electric Vehicle Recharging Point Management Plan will be submitted to the Council for approval in writing (such approval not be unreasonably withheld or delayed) that will detail the management, maintenance, servicing and public access arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

Reason; To provide facilities for charging electric vehicles on the site, in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

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

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

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

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

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

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

receptors.

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

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

21. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

22. Except in case of emergency, no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

23. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the

assessment. All works on site shall be undertaken in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

24. Any and all piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Reason: To protect the amenity of local residents

25. The development shall be carried out in accordance with the submitted flood risk assessment (70034291-FRA-001 dated September 2019) and the following mitigation measures it details:

- The finished floor level of the first floor shall be set no lower than 11.75 metres above Ordnance Datum (AOD)
- The works shall be completed in accordance with table 5-1 to include but not limited to, the ramp to be built from box culverts, no increase in ground levels on landscaped areas or the coach park
- The ground floor of the car park is to be designed and built in such a manner that it allows the free ingress and egress of flood flows
- A maintenance plan and regime is to be written and approved in writing to ensure that there is no loss of storage on the site as a result of siltation following a flood event.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

- To reduce the risk of flooding to the proposed development and future occupants,
- To reduce the risk of flooding elsewhere by ensuring that loss of flood storage on the site is minimised,
- To ensure that the ground floor of the car park is able to flood freely,
- To ensure that the flood storage on the site is not reduced over time, and that the maximum flood storage volume is available for the lifetime of the development.

26. All spoil / arisings shall be removed from the floodplain and disposed of appropriately.

Reason: To ensure that there is no loss of storage on the floodplain.

27. The proposed benches shown on drawings in the landscaped areas are to be designed and built in accordance with the drawing "The Field Sketch" (Dwg.No. SGF-BDP-ZZDR-L-90-301).

Reason; To ensure that flood waters are able to flow freely across the site which is classed as functional floodplain, and that they are not diverted elsewhere.

28. No construction works on the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area (s), the approved works have been undertaken.

Reason; In the interest of public health and maintaining the public sewerage network.

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

A) No demolition/development/sewerage excavation shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3

months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

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

30. No development shall commence until a foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in mAOD below which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10.

Reason: The site lies within an Area of Archaeological Importance or the site is of Archaeological Interest which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

31. Wet, organic archaeological deposits survive on this site which merit preservation in-situ. An archaeological programme of hydrological and water quality monitoring is required on this site to assess continued in-situ preservation. The archaeological programme comprises 4 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority which sets out how appropriate hydrological and water quality monitoring will be introduced on the site and how it will be assessed and reported at suitable intervals. The WSI should conform to standards outlined in guidance written by CYC and from Chartered Institute for Archaeologists.

B) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under condition (A)

C) Evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 5 years

shall be submitted in the form of an annual interim report and approved by the Local Planning Authority.

D) A copy of the final report on the archaeological programme detailed in the WSI will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored following construction of the new build.

32. The multi storey car park hereby approved shall be constructed to a CEEQUAL standard of at least 'Very Good'. A formal Post Construction assessment by a licensed CEEQUAL assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed in writing). Should the development fail to achieve a 'Very Good' CEEQUAL rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Very Good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

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

33. Within three months of St George's Field Multi-storey Car Park becoming operational, Castle Car Park, identified on drawing number SGF-BDP-ZZ-XX-DR-A-00-1010 Rev A (Red line boundary and Castle Car Park Ownership Plan), shall be permanently closed with all ticket machines, and associated car park signs removed.

Reason: The construction of the multi-storey car park is considered to result in less than substantial harm to designated heritage assets, the identified harm is only justified where outweighed by public benefits namely the closure of the Castle Car Park and associated environmental improvements. This is in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990, Section 12 of the NPPF and Emerging Local Plan Policy.

8.0 INFORMATIVES: Notes to Applicant

1. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. The requirements for permitting are separate to and in addition to any planning permission granted.

2. Enhancement opportunities

There are opportunities within this site to better reveal the surrounding listed and scheduled buildings as well as highlighting the conservation areas. In particular St George's Chapel should be presented and interpreted for members of the public as part of this development.

Contact details:

Case Officer: Rachel Tyas
Tel No: 01904 551610