

COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 22/02491/LBC
Application at: St Georges Field Car Park Tower Street York
For: Flood mitigation measures within St Georges Field Car Park and Tower Street to include a new flood defence wall from car park to tie into abutment wall of Skeldergate Bridge, the strengthening of the abutment walls of the bridge and the attachment of support post to bridge masonry wall
By: Environment Agency
Application Type: Listed Building Consent
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed building consent is sought for flood mitigation measures to include a new section of wall to connect the edge of Tower Street to the corner of the existing flood wall (tying into Skeldergate Bridge), the strengthening of the abutment walls of Skeldergate Bridge and the installation of framework to allow for a demountable flood system across Tower Street. This latter proposal involves the construction of a retaining wall in front of the embankment leading up to the Crown Court to provide a structure to which the support post of the demountable barrier can be attached and the installation of a stoplog involving the addition of two steel posts into the abutment walls of Skeldergate Bridge.

1.2 The application site comprises land around the confluence of the River Foss and the River Ouse. The first of the areas is within the St George's Field car park, adjacent to Skeldergate Bridge. This site is a sensitive location within the New Walk Terrace / Terry Avenue Conservation Area and the Area of Archaeological Importance with the archaeology preserved below the surface including a Knights Templar Chapel and Mill complex. The site is within Character Area 66 (Fishergate-River Ouse) as defined by the York Central Historic Core Conservation Area Appraisal (YCHCCA).

1.3 The second area is located approximately fifty metres to the north within the Central Historic Core Conservation Area and the Area of Archaeological Importance. It spans the width of Tower Street which runs along the western boundary of York Castle (Scheduled Monument) and falls within Character Area 13 (The Castle area) as defined by the 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.

1.4 The associated planning application is referenced 22/02613/FUL.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework ('NPPF') key sections are as follows –

Conserving and enhancing the historic environment (chapter 16)

2.2 The Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 The key 2018 Draft Local Plan policy is as follows;

D5 Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(CONSERVATION ARCHITECT)

Wall strengthening

3.1 Support the proposed strengthening of the wall and although there would be some minor loss of original fabric and aesthetic interest the benefits outweigh the harm.

Stone clad retaining wall

3.2 The revised drawings reflect pre-application advice and is considered to have a less harmful impact on the setting of the listed Crown Court. This option still results in considerable change to the setting of the historic structures and the character of the area but is significantly less harmful than the option originally presented. The “Rubberwall” connection for fixing the temporary barriers to the bridge abutment walls will also result in a degree of harm but again this is outweighed by public benefits.

3.3 Whilst the scheme overall results in harm to the historic environment, the degree of harm is low and would be regarded as at the lower level of “less than substantial.” Attempts have been made to reduce the harm and there is clear public benefit.

4.0 REPRESENTATIONS

4.1 No representations received.

5.0 APPRAISAL

5.1 Key Issues

- Impact on heritage assets

5.2 In accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty must be given considerable importance and weight when carrying out the balancing exercise.

5.3 The legislative requirements of Section 16 are in addition to government policy contained in Section 16 of the NPPF, paragraph 189 of which states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should take this into account when

considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 Both areas (St George's Field car park and Tower Street) are highly sensitive and significant given their location within Conservation Areas and proximity to such heritage assets as Cliffords Tower, the Crown Court and the Castle Museum which together form part of an ensemble of buildings, spaces and sub-surface deposits which represent one of the most important heritage sites in the country. The archaeology preserved below the surface of St George's car park includes a Knights Templar Chapel and Mill complex. 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.

5.5 Paragraph 199 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 the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.7 Draft Local Plan Policy D4 reflects legislation and national planning guidance and 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.

New wall to tie in to the Skeldergate Bridge abutment wall and strengthening of the abutment wall

5.8 It is proposed to build a new section of wall, approximately 20 metres in length with a height of 11.08mAOD, to connect the edge of Tower Street to the corner of the existing flood wall to tie into the Grade II listed Skeldergate Bridge abutment walls. The wall would be constructed of a concrete core clad with brickwork and coping to match that of the pumping station. The wall would attach to the abutment wall via three dowels that would be drilled into the masonry joints.

5.9 The scheme also involves the strengthening of a section of the abutment walls that runs along the north edge of the car park. The proposed works involve coring the wall vertically and inserting steel helibars, before covering the holes with a stone plug.

5.10 Officers are supportive of the proposals to tie the new wall in to the abutment wall and the wall strengthening works by the method proposed. It is acknowledged that there would be some minor loss of original fabric and the potential of a low degree of loss of aesthetic value. However, this would diminish over time with the development of patina and natural soiling of the stone and alternative methods such as external augmentation would result in considerably more harm. The potential benefits to result from the new section of wall and the wall strengthening are considered to outweigh the less than substantial harm which would result from this work.

Tower Street demountable temporary flood barrier

5.11 It is proposed to install framework on each side of Tower Street and to strengthen the existing abutment walls of Skeldergate Bridge to allow the deployment of a demountable flood relief barrier across Tower Street. The demountable flood defence would extend across Tower Street from the Skeldergate Bridge abutment walls to the embankment leading up to the Grade 1 listed Crown Court.

5.12 The demountable defences would attach to the abutment walls via a support post that would be sealed to the wall via a rubber-wall connection during a flood event. The rubber seal would not permanently impact the abutment wall and would be removed once the demountable defence is not required. The east-most support post would be permanently attached to a new purpose-built retaining wall. This wall would be set to the rear of the pavement in front of the embankment leading up to the Crown Court, within the scheduled area of York Castle. A small amount of excavation of the embankment would be required to enable the construction of the retaining wall which would measure 6m in length and be clad in stone.

5.13 The method of wall strengthening associated with the proposal for the demountable flood barrier would be the same as detailed in relation to the strengthening of the walls that run along the north edge of St George's Field car park (see para 5.8).

5.14 A stoplog would also be required at the entrance to Tower Park from Tower Street. This would result in a permanent change to the listed Skeldergate Bridge through the addition of two steel posts into the abutment at the top of the stairs that lead down to Tower Park into which the flood defence beams would be slotted.

5.15 The rubber-wall connection for fixing the temporary barriers to the bridge abutment walls and the wall strengthening works through some minor loss of original fabric and the potential of a low degree of loss of aesthetic value, would result in a degree of harm. The stoplog would result in a permanent change to the Skeldergate Bridge, impacting on the evidential and aesthetic value of the abutment walls and therefore would also cause harm to heritage assets. The impact would be lessened by drilling into mortar joints and sympathetic positioning.

5.16 The degree of harm to result from the proposed works is considered low and would be regarded as "less than substantial". Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship, would be secured by condition. There is a clear public benefit deriving from the scheme which is considered to outweigh the harm identified. The proposals therefore are in accordance with local and national planning policies including paragraph 205 of the NPPF and 2018 Draft Local Plan Policy D4.

5.17 Based on the above, it is considered that if the application is approved the Local Planning Authority will have properly exercised its duty under Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 CONCLUSION

6.1 The proposal would have a minor negative impact on the special interest of the abutment walls of Skeldergate Bridge however the degree of harm is considered to be "less than substantial". Attempts have been made to reduce the harm where possible and measures to minimise the harm for instance through a selection of high-quality materials and workmanship, would be secured by condition. There is a clear public benefit deriving from the scheme which is considered to outweigh the harm identified when giving considerable importance and weight to the identified harm. The proposal is therefore considered to accord with guidance contained within the National Planning Policy Framework, the provisions of emerging Local Plan policy D5 and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 RECOMMENDATION: Approve

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

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

ENV0002071C_JBAB-00-3_FBT-DR-C-01001 Rev P03 (Site Location Plan)

ENV0002071C_JBAB-00-3_FBT-DR-C-01002 Rev P02 (Foss Basin Tower Street General Arrangement)

ENV0002071C_JBAB-00-3_FBT-DR-C-01107 Rev P02 (Foss Basin Wall Raising - Existing & Proposed Wall Elevations)

ENV0002071C_JBAB-00-3_FBT-DR-C-01003 Rev P02 (Foss Basin Tower Street Cross Sections North West Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01004 Rev P02 (Foss Basin Tower Street Cross Sections South East Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01005 Rev P02 (Foss Basin Tower Street Cross Sections SouthWest & NorthEast Facing)

ENV0002071C_JBAB-00-3_FBT-DR-C-01006 Rev P02 (Foss Basin Tower Street Stop Log Details)

ENV0002071C_JBAB-00-3_FBT-DR-C-01007 Rev P02 (Foss Basin Tower Street Wall Strengthening Details)

ENV0002071C_JBAB-00-4_B08_DR-C-01601 Rev P03 (Highway Access Design Options)

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

3 A detailed method statement for the works to strengthen the Skeldergate Bridge abutment walls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works and shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the fabric and appearance of the listed bridge.

4 Large scale drawings of the proposed retaining wall, to include the coping and "Rubberwall" connection, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of the scheme and the works shall be carried out in accordance with the approved details.

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.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, to include the mortar and stone, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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.

Reason: In the interests of safeguarding the character and appearance of the Conservation Area and the listed Skeldergate Bridge.

6 Sample panels of the brickwork to be used for the new flood wall within St Georges Field Car Park and for the new retaining wall (Tower Street) shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

Contact details:

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