

COMMITTEE REPORT

Date: 27 October 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01642/FUL
Application at: Clifford's Tower, Tower Street York YO1 9SA
For: Erection of visitor centre at base of motte, cafe unit on roof deck, installation of new staircase, tower floor, walkways, balustrading, roof-deck and restoration works
By: English Heritage
Application Type: Full Application
Target Date: 26 September 2016
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 Clifford's Tower is the castle keep dating from Henry III's mid 13th Century rebuilding in stone of the Norman castle, founded on this site in the late 11th Century. It represents the most substantial surviving element of the large castle of York, an important centre for royal government for the North of England in the middle ages. The castle became dilapidated in the 15th and 16th centuries and the upper portion of the tower was robbed of its stone. The building was refortified in 1642-43 to house a Royalist garrison during the Civil War, but gutted by an explosion in 1684 after which it was largely abandoned. The building has stayed in the form of an open topped ruin ever since, whether in its role as a substantial garden feature of a large 18th Century house (now demolished), or as an imposing landmark in the grounds of the new County Gaol, or as a much visited heritage asset in the guardianship of English Heritage (EH).

1.2 The Statement of Significance submitted with the application provides a focused account of why Clifford's Tower is important. To summarise:

- the above and below ground archaeology of the tower and motte (and extended site) are of exceptional evidential significance; the structures embody physical evidence of historic events.
- historically the site is illustrative of York's considerable importance as a seat of power and governance for York and the wider region for approximately 1000 years; and it has played a strategic role in the history of the nation,

- the Keep's quatrefoil plan is architecturally unique in England and of high aesthetic value. The beauty of the tower, seated on the simple conical mound, adds a dramatic quality to the formal grouping of classical buildings around the Eye of York. It is part of a rare and spectacular urban landscape of both planned and fortuitous aesthetic.
- Clifford's Tower is one of two massive landmarks of iconic status in York symbolising the city as a communal enterprise. It marks a place of celebration as well as commemoration, the latter being of particular importance to the Jewish community around the world.

1.3 The building is listed at grade 1 and it forms part of Scheduled Ancient Monument no NHLE 1011799. It is located within the Central Historic Core conservation area (character area 13), close to the confluence of the Rivers Ouse and Foss, where together with the formal grouping of the three 18th Century prison and court buildings It also lies within the City Centre Area of Archaeological Importance (York is one of 5 cities designated as an 'Area of Archaeological Importance', and has 7sub - areas within the City)

THE PROPOSAL

1.4 In April 2015 English Heritage separated into two separate bodies (English Heritage and Historic England). The new charity, retaining the original name "English Heritage" is responsible for looking after the national heritage collection of monuments and sites, of which Clifford's Tower is one of the most visited heritage assets. All assets are expected to be self funding by 2022/23 when "Grant in Aid" from the government will cease.

1.5 The current project at Clifford's Tower involves:-

- Conservation and repair of the tower
- Introduction of a new structure within the tower surmounted by a deck at the approximate level of the wall walk
- A new entrance building and visitor centre at the base of the motte

1.6 The proposed scheme would involve the reconfiguration and partial repaving in reclaimed York stone of the County Court car park, involving a loss of 9No. car parking spaces.

1.7 The submitted Statement of Community Involvement details the public consultation and community involvement that has taken place, outlining how discussions with the Local Authority and Historic England commenced in 2015, followed by targeted consultation with the relevant civic and heritage groups occurred. After this targeted consultation, with alterations to the scheme to satisfy as far as possible any concerns raised, the wider community consultation commenced in January 2016.

1.8 The primary consultation event in January was publicised on Radio York and in the Press and involved daytime drop in session and evening discussion attended by 152 people with 82 responses received and much traffic on social media. As a result of the views put forward as part of the public consultation, a number of alterations were made to the design of the visitor centre and further research on access issues have been explored.

1.9 In addition to the forms, plans and Statement of Community Involvement, the application is supported by a Planning Statement, Heritage Impact Statement, Ecology appraisal, Flood Risk Assessment, External Lighting Assessment, Archaeology Statement, Drainage Statement and a Ventilation and Extraction Statement.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF
- Listed Buildings GMS Constraints: Grade 1; Cliffords Tower Tower Street York YO1 1SA 0985
- Scheduled Ancient Monuments GMS Constraints: SMR No.13275; York Castle (including Clifford's Tower)

STATUTORY DUTY: SETTING OF LISTED BUILDING

2.2 Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 states that the local planning authority shall have special regard to the desirability of preserving the setting which the listed building possesses.

Section 72(1) with respect to any buildings or other land in a conservation area, places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2.3 National Planning Policy Framework (March 2012), The most relevant sections and paragraphs are summarised at paragraphs 4.5 – 4.7 below.

2.4 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYSP3 - Safeguarding the Historic Character and Setting of York

CYHE2 - Development in historic locations

CYHE3 - Conservation Areas

CYHE4 - Listed Buildings

CYHE9 - Scheduled Ancient Monuments

CYHE10 - Archaeology

CYGP1 - Design

CYGP15A - Development and Flood Risk

2.5 Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP4 - Approach to Development Management
- D2 - Placemaking
- D4 - Conservation Areas
- D5 - Listed Buildings
- D7 - Archaeology

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL MANAGEMENT (CONSERVATION)

Comments summarised as follows:-

3.1 The former castle site is one of the most archaeologically, historically and architecturally important sites in the country, retaining the imposing landmark of Clifford's Tower on its motte and the set piece formal grouping of 18th Century classical former prison and court buildings. Clifford's Tower is one of the nation's most visited heritage assets, yet at the same time reported as being "an underwhelming experience with little to see or do", as it is essentially experienced as the ruin left after the explosion over 300 years ago.

3.2 The package of proposals is designed to greatly enhance the visitor experience, by enabling better physical and intellectual access to the monument, and by capitalizing on its elevated position to improve interpretation, understanding and enjoyment of the place and its histories.

3.3 The new entrance building would change the familiar and much cherished view of the tower which was established in 1930s - within the lifetime of our older citizens. Its apparent height and width would be relatively small and it would be anchored into the motte in a historically meaningful place; so we consider that harm to setting would be less than substantial and the majority of identified views within the conservation area (of the tower and the buildings around the “Eye of York”) would be preserved.

3.4 The architecture of the new building has been criticized as being stark, though the design has been carefully refined over time to resolve contradictory requirements of needing to represent strength and control whilst being welcoming in the 21st Century. By modifying the archetypal form of the colonnade with carefully softened details and deeply set generously scaled windows, we consider the building would make a convincing architectural contribution in its own right without challenging the dominance or character of the existing structures.

ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.5 The proposed development will have detrimental impacts on archaeological features and deposits on this site but it is considered that these will cause less than substantial harm. Moreover, the proposed works offer a significant opportunity to both enhance understanding of this monument and to engage with a wide range of audiences.

3.6 The mitigation measures will allow an exploration of a number of significant questions that are relevant to archaeological research in York. There have been very few modern archaeological investigations at York Castle. The opportunity to interrogate the site of a motte as important and significant as that at York Castle is rare. Questions relating to the pre-castle landscape, the date and constructional sequence of the motte will be addressed. The location of the proposed development means that there is a huge opportunity to enhance community understanding of and engagement with archaeology in the city. The public benefit that can be derived from the archaeological mitigation measures is therefore very significant.

3.7 Policy HE10 states that developments within the central Area of Archaeological Importance will normally be permitted if they can demonstrate that the development will destroy less than 5% of archaeological deposits. It is difficult to assess the precise % impact this development will have on archaeological deposits. However, it is likely to exceed the 5% set out in HE10. Para 134 of the NPPF states that where development will lead to “less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. It is considered that the proposed development at Clifford’s Tower if accompanied by appropriate archaeological mitigation measures will deliver significant public benefit.

3.8 The mitigation measures required must therefore include: archaeological recording of material forming the lower segment of the motte to be removed; archaeological recording of the 19th century retaining wall to be revealed; archaeological excavation of all features and deposits down to formation levels for sub-surface accommodation, foundations, attenuation facilities and service connections; a programme of public access and community engagement with these archaeological works; publication of the results and deposition of the archaeological archive with an appropriate registered museum.

3.9 It is recommended that the application be approved in relation to archaeological features and deposits subject to a condition requiring the submission of a programme of archaeological mitigation.

HIGHWAY NETWORK MANAGEMENT

3.10 No objections but would recommend that the following issues are addressed;

(i) Request a new sign sited on the northern side of the mound to direct pedestrians to use the footway which runs around the west side to the visitor centre. As it was established that a new route could not be provided on the opposite side through the edge of the car park; the applicant should want to encourage visitors to follow the footway.

(ii) There are some small areas of grass verge which are badly worn adjacent to where the visitor centre will be situated. With the expectation of increased footfall in this vicinity, some minor upgrading to convert this to Yorkstone paving to match the existing is again sought.

(iii) The provision of cycle parking in the area of the benches.

3.11 The construction traffic management plan covers the usual requirements to ensure safe and satisfactory construction, mitigating impacts upon the highway and its users.

PUBLIC PROTECTION (ENVIRONMENTAL HEALTH)

Noise

3.12 Given the proposed hours of opening (10:00 to 18:00) and the city centre location, it is not considered that noise from use of the café would be likely to result in any loss of amenity to nearby residential properties.

3.13 In terms of plant it would appear that an air source heat pump is proposed on the site. Providing that the sound level from the plant does not exceed the background noise level, there are no concerns regarding noise from such plant subject to a condition requiring details.

3.14 With regards to the demolition and construction phases of the development there is the potential for noise, dust and light to affect the amenity of the area, nearby residential premises and the court rooms. As a result, conditions relating to the submission of a Construction Environmental Management Plan (CEMP) and restricting the hours of works are recommended.

Lighting

3.15 It is not considered that lighting would be likely to result in loss of amenity providing that it is installed in accordance with the Institute of Lighting Professionals Guidance on the reduction of obtrusive lighting. Details within the application consider that the site falls within a medium district brightness area and indicate that the proposed lighting would comply with the requirements of the ILP guidance. On this basis, no objections are raised.

Odour

3.16 Limited detail is provided on the types of food and drink to be provided in the café. However if the café is to provide foods and drinks normally associated with a tearoom then there are no concerns over the potential for odour from the café affecting the amenity of the area.

Contaminated Land

3.17 The proposals will involve the removal and digging up of the made ground to the base of the tower which may contain contaminated material. As a result, recommend a condition covering the event that any contamination is discovered during the construction phases of the development.

FLOOD RISK MANAGEMENT

3.18 No objections in principle but in view of its close proximity of important archaeology in which there may be conflict, would be prepared (in consultation with City Archaeologist) to relax attenuation depth requirements.

EXTERNAL

HISTORIC ENGLAND

3.19 Historic England accepts and agrees that the current visitor "offer" at Clifford's Tower is in need of renewal, particularly with regard to visitor services and the current interpretative provision which is not as substantive as current good practice requires. Additionally the condition of the historic fabric requires conservation repairs to be undertaken, preferably in the short term.

3.20 Considers that the proposed treatment of the internal access arrangements and roof viewing deck is an imaginative and innovative approach to an issue that has been a long term concern to English Heritage, and should provide the visiting public with an improved visitor experience. It is considered that the proposed access and conservation works are beneficial, timely and desirable.

3.21 The construction of a new building at the foot of the motte raises concerns relating to its impact on the significance of heritage assets and the buried archaeology of the application site itself. Of particular concern is the relationship between a new build structure facing into the Eye of York which then effectively separates the Tower from the Eye and the civic buildings around it. Allied to this is the necessity to ensure that any structure is of a suitably recessive design that does not compete with the Grade 1 buildings.

3.22 As a consequence, great care needs to be given to the design, finish, and colour palette of chosen materials. We agree that the decision to use York stone paving alongside contemporary materials such as non-reflective glass and a lightly textured concrete echoes the local guidance provided by the City of York Conservation Area Appraisal but also assists in creating the necessary "subdued" quality of the building in that it does not "challenge" the Tower or adjacent civic buildings. The changes brought about by the wide public consultation have led to a reduction in the number of the vertical piers in the facade, the increase in their spacing and the introduction of a greener, softer edge to the roof deck. We consider these changes have made the building much less "strident" than originally conceived and therefore it has less of a "presence" within the Eye of York.

3.23 In order to make the building as recessive as possible, it has been designed to be partially buried within the motte, but this will have an impact on buried archaeological deposits. The removal of a portion of the motte to allow the insertion of the Visitor Centre has limited archaeological impact because the motte deposits are post 1930s date, whilst their removal will allow the 1830s prison revetment wall to be seen by visitors. However in order to allow the buried "wing" portions of the Visitor Centre to be completely buried, it will be necessary to excavate below the level from which the motte was constructed. These deposits beneath the motte have the potential to be complex and significant, indicating that there will be some "harm". However, this degree of "harm" to the deposits can be justified by the public benefit of improving the physical and intellectual access to the Tower. The results of the necessary archaeological mitigation will be fed into that improved intellectual access.

3.24 One positive aspect of the new steps is that it will make it easier for the elderly, young and those with limited mobility to access the Tower. The decision to allow free out of hours public access to the roof is a welcome addition to the scheme.

Summary

3.25 The conservation repair of the historic fabric and improvements to access arrangements inside the Tower are both desirable and beneficial. However a new Visitor Centre will generate some "harm" to Cliffords Tower and neighbouring heritage assets, and therefore the planning authority should address paras 131 to 134 of the NPPF. Historic England does not object to the proposal on heritage grounds.

SAFER YORK PARTNERSHIP

Initial comments

3.26 There are concerns about the possible misuse of the roof deck of the Visitor Centre, which would be insecure "out of hours" and could be exploited by the undesirable element as access to it would be freely available. If the roof deck area has to remain as it is, recommend that it be covered by a monitored CCTV system.

3.27 Furthermore, it is noted that four benches are to be erected. These benches are likely to attract the wrong element, which could discourage people from visiting the centre. If they have to remain, they should be designed so as to prevent people from lying across them.

Comments further to receipt of additional information

3.28 The architect has confirmed the following;

- bench seating will be fitted with arm rests to prevent persons from being able to lie across them,
- CCTV coverage of the roof deck will be provided,
- doors will meet Loss Prevention Standards,
- the Visitor Centre will be fitted with an Intruder Alarm system
- Internal CCTV will be fitted to cover the shop and the interpretation space

3.29 These measures address the recommendations made previously. No further comment.

YORK CIVIC TRUST

3.30 The public's understanding of Clifford's Tower and York Castle would be improved by the proposals to (1) repair and conserve the physical structure of Clifford's Tower and (ii) the installation of improved access to the interior of Clifford's Tower by means of inserted stairs and roof deck first two elements. The application is comprehensive and very well-researched; the conservation repair and the interior

access are well designed; and the physical interventions are clearly visible and largely reversible. Fully supports these two elements.

3.31 In terms of the new visitor centre, it is considered that taken in its own right, the new building is well designed and might be suitable if the context were different and there were fewer options for its location, size, massing and design. But the context is highly sensitive, being in the midst of York Castle, the complex of civic buildings, and the Central Conservation Area including Castlegate, Tower Street, and Clifford Street. By constraining options for development to the limited foot-print of Clifford's Tower, YCT feels that the options for achieving English Heritage's objectives have not been fully considered and that a comprehensive heritage-based development of a greater area, in association with other stakeholders, would have resulted in a solution which was less obtrusive, less damaging to the current characteristics of the historic area, and perhaps even a better solution to the economic revenue-generation requirements of English Heritage.

3.32 YCT therefore objects to the visitor centre element on the grounds that the proposal is detrimental to the character of the neighbouring listed buildings and conservation area.

3.33 YCT encourages English Heritage to proceed with the first two elements of the proposal, and to continue discussions with surrounding stakeholders in the knowledge that the principle of a new visitor centre is well accepted and can be achieved with less damage to the heritage of the area.

THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Visitor Centre

3.34 Given the constraints of the site which EH has under its direct control, accepts that the proposed location of the visitor centre offers the most appropriate site from those available for consideration.

3.35 Despite this retains serious concerns about the design. By virtue of its mass and heavy, horizontal architectural emphasis, SPAB feels that it would disturb the current unity and simplicity of the site. The proposal seems intrusive, out of scale with the monument, and architecturally disconnected from any of the surrounding buildings in the Eye of York. Urges EH to instead seek an intervention which is architecturally far more subservient and lightweight. Also questions the change to the existing stair up the mound and consider that, although some alteration might be essential to improve accessibility, more effort might be made to work with the fabric and form of the existing 20th century stair.

Viewing platform and walkways

3.36 Appreciates the value in making this area more accessible however there is also concern that the proposed structure would alter too greatly the current character of the interior space of the keep; the loss of the quatrefoil of blue sky that one currently sees would be regrettable. It is also unfortunate that a walkway is proposed underneath the square opening so that, at no point, will the view of the sky be uninterrupted.

Platform

3.37 Not convinced by the current design. Suggests a smaller platform with a larger central void and a more obvious gap between it and the ruin.

Internal Environment

3.38 Understands the space will not be fully enclosed but previously exposed stonework will be permanently shaded which will have some environmental effect. Queries whether any monitoring of stone decay on internal faces of the ruin is planned.

YORK GEORGIAN SOCIETY

3.39 Object to the Visitor Centre. A substantial building in this position will be an anachronistic and unsightly intrusion into the classic view of Clifford's Tower and the motte. It will introduce an unattractive visual and physical barrier between the castle motte and its bailey thereby emphasising the present unfortunate separation of the two component parts of the medieval castle precinct.

3.40 Object to the walkways, staircases and roof deck. For centuries Clifford's Tower has existed as a ruined castle, and has been appreciated and enjoyed as such at least since it provided a very early example of a 'Gothick' ruin in the garden of Col Waud's Castlegate house as illustrated in 1730. Obscuring its ruined interior in the way proposed will be to destroy its fundamental character. Because it is such an austere monument, the introduction of such 21st century facilities as a shop and viewing platform can only detract from the experience of the monument itself and be detrimental to its character and appearance.

3.41 The Visitor Centre would be detrimental to the setting of the Georgian buildings which form the context of Clifford's Tower. Together, the buildings of the Castle Museum and the Crown Court form the only formal Georgian architectural set piece in the City.

3.42 The Society would wish to safeguard the position and commemorative purpose of the stone to the Jewish Massacre in 1190. It is not clear how the stone will be

affected by the construction of such a substantial building at the foot of the steps up to the entrance of the Tower beside which the stone is located. Unless it is removed from its present position, it will either be covered or obscured by the proposed Visitor Centre.

3.43 Suggest that English Heritage explore with York Museums Trust the possibility of sharing the reception facilities in the Castle Museum for entrance to Clifford's Tower. Re-uniting the castle and its motte with its medieval bailey by these means would recreate the historic castle precinct.

3.44 York Georgian Society asks that this application should be refused and that its suggestion for a collaborative project between the two organisations is given serious consideration.

GUILDHALL PLANNING PANEL

3.45 Objects; the visitors centre is of a poor design and looks like a public convenience. Also believes this is the use it will be put to when it is closed the area is known for its rough sleepers and street drinkers this will only make matters worse. The internal wood work only takes away the ambiance of the internal structure. In summary the whole plan shows no sympathy to this ancient structure and English Heritage should go back to the drawing board and start again.

RIVER FOSS SOCIETY

3.46 Endorses the view of English Heritage that "An important detractor from the aesthetic value of Clifford's Tower is the modern day council car park. A key part of any proposed development in this wider area should be the removal of the car park, the creation of public space and the provision of "breathing space" away from the base of the motte." The public space thus created would border the River Foss and might one day link with the newly-developed area within the Castle walls, thus providing a pleasant river side walk.

3.47 The relocation of the proposed visitor centre to the car park area would be a step in the right direction and would solve the dilemma of the flat roof.

PUBLICITY

3.48 The application was publicised by site notice, press notice and letters of neighbour notification. Thirteen letters of objection have been received, two of which object to the visitor centre and cafe but offer support to the proposals for the interior of the Tower. The following points are raised;

- Lack of detail and clarity, leading to ambiguity within some of its key documents. The report lacks the substance and robustness to objectively

demonstrate how the impacts of the proposals as well as impacts to its immediate setting are warranted. Further information should be requested.

- The proposed design of the entrance loggia fits neither the context nor the present day and blocks the foot of the external staircase. Its design evokes images of a public toilet or entrance to a 1930s lido. A simpler, modern design is required.
- Much of the character of Cliffords Tower resides in the fact that it stands on a substantial and uninterrupted motte. Whatever one thinks of the design of the proposed visitor centre, it would impinge on the motte which is an essential part of the monument and would thus detract from the setting of the Tower itself.
- Design is visually intrusive and not in keeping with the original building design and will lead to the destruction of a unique heritage feature. The motte, if interfered with, deserves sympathetic treatment and not a box which has no bearing on anything in the vicinity. The proposal does not enhance this Grade 1 listed building and the conservation area.
- The proposed visitor centre would destroy the integrity and powerful presence of the Tower and its motte, most obviously by intruding visually on the south-facing slopes of the latter (the entrance side), but also compromising the profile of the overall structure viewed from east and west.
- The proposed visitor centre would very seriously detract from the impressive architectural set piece constituted by the three eighteenth-century prison and court buildings to the south, which are part of the Castle complex. The intrusion onto the motte of an indifferent modern design destroys the harmony of this formal, open space.
- Visually damaging in the landscape and setting, losing historical street setting. Better alternative sites are available.
- The proposals for the internal platforms and viewing platform are too heavy. A more transparent, lightweight design is required.
- The proposal for steps and walkways would largely destroy the internal character of the building as a ruined castle.
- Should be preserved as a castle and should not become a tourist shop and performance area. The original functionality of the building should not be eroded. It is supposed to be difficult to access and open to the elements as it

is an ancient fort. The staircase is supposed to be narrow. Improving access will only lead to higher footfall and potential damage to the structure over time.

- Climbing the steps gives the visitor a greater appreciation of the function of the motte and increases the enjoyment of the Tower on arrival. If necessary, the handrail to the steps could be reconstructed to incorporate a disabled stairlift,
- Why can the visitor centre not be incorporated inside the tower, or out of sight at the back of the structure or in the area surrounding the courts? Alternatively an existing property, in Castlegate or Tower Street, should be found. A ticket office and interpretation centre could be included within the foyer of the Castle Museum.
- At present, there is an absence of commercialism in this area which, with Tower Gardens, provides a place to relax. The visitor centre would detract from this quality.
- No justification for a visitor centre or cafe. There are plenty of cafes in the vicinity and there is the Museum and the Church in Castlegate which already provides tourist information in the city.
- If there is the necessity to have a commercial cafe for income, it should be nearby but not in this position.
- There will be an increase in nuisance to residential neighbours who already experience disturbance from anti-social behaviour. English Heritage cannot control people climbing the grass slopes now, which is slowly destroying the wild daffodils. English Heritage should take a more proactive stance to discourage this practice and introduce more daffodils.
- Support the comments of the Police in their concerns that there will be no restriction regarding access to the decking when the Tower is closed.
- Noise could be a problem to the Crown Court.
- The internal proposals are much more elaborate than is needed; many generations of visitors have enjoyed the Tower as it is.
- There will be increased service traffic to the Tower for the cafe and for collecting rubbish. The external waste bin area will become messy and uncared for.

- Huntingtower Castle near Perth is not dissimilar to Cliffords Tower. Here the bare minimum has been done to ensure this castle can be accessed and with a guide book, you are invited to imagine the castle as it was.

4.0 APPRAISAL

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

- Justification for / Principle of proposed development
- Impact on Heritage Assets
- Archaeological Considerations
- Impact on Amenity
- Flood risk and drainage
- Designing out crime

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 which relate to York's Green Belt and are therefore not relevant to this application. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA 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.

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

National Planning Policy Framework (NPPF, March 2012)

4.5 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 requires a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking, but a footnote states the presumption does not apply where more restrictive policies within the NPPF apply- including to designated heritage assets and to areas at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.6 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

4.7 Section 12 of the NPPF relates to the conservation and enjoyment of the historic environment. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says 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 benefit of the proposal, including its optimum viable use. However, it should be noted that lawful application of the statutory tests in the 1990 Act requires considerable importance and weight to be given to any harm to a listed building or conservation area, in the planning balance. The exercise is still one of planning judgment but it must be informed by that need to give considerable importance and weight to conserving of the heritage asset, more weight than if it were simply a factor to be taken into account along with all other material considerations.

City of York Draft Local Plan (2005)

4.8 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.9 Related policies are listed in section 2.1 above. However policies considered to be compatible with the aims of the NPPF and relevant to the development are; HE2 (Development in Historic Locations), HE3 (Conservation Areas), HE4 (Listed Buildings) and HE10 (Archaeology).

Emerging Local Plan

4.10 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

JUSTIFICATION FOR / PRINCIPLE OF PROPOSED DEVELOPMENT

4.11 The proposed works at Clifford's Tower represent a significant investment by Central Government to sustain the monument into the future by improving its physical condition and by carrying out works to enable better understanding and appreciation of its exceptional cultural value.

4.12 Clifford's Tower is one of the most visited of English Heritage's assets and yet, as the application submission makes clear, feedback demonstrates that visits are short, visitor facilities are poor, access is difficult and interpretation is limited. People report that it is a disappointing experience and as a result there are few return visits.

4.13 In terms of the conservation and repair of the tower, the work is intended to address structural and fabric defects for the next 50 years. It includes renewal of some repairs carried out in the 20th century which could be contributing to deterioration. The highly detailed drawn specification and schedule provided in the application documents is based on extensive survey work.

4.14 With reference to the proposal to erect a new structure within the tower to include a roof deck, it is recognised that whilst the existing wall walk offers stunning panoramic views of the context (as identified in the Central Historic Core Conservation Area Appraisal ref Key View 16), the physical constraint of the elevated environment limits potential to enjoy the experience and to use it to further understanding of the monument.

4.15 The proposed inserted structure is designed to maximize direct experience and understanding of the castle's history and to capitalize on views, whether as framed glimpses of the city and Minster through openings in the walls, or the 360 degree panorama experienced from the top.

4.16 With reference to the proposed Visitor Centre, in developing the brief for the project, English Heritage recognized that if the significance of the castle interior was to be explained and experienced in full as a historic building of immense military and administrative importance, extra space would be required outside the monument to develop visitor facilities, i.e. interpretation, WCs, staff facilities, storage, membership and ticketing. It was also considered that an external ground level structure would also have the public benefit of serving visitors who could not reach the elevated castle keep by enabling virtual tours and other alternative forms of access, currently impossible at this site.

4.17 Officers understand that early options which were investigated and discounted include the use of a shared facility in the area with York Museum's Trust, or the use of a remote facility such as shop on Tower Street. Both of these options had significant operational drawbacks for the bodies involved and were deemed to disconnect the visitor from the site.

4.18 Officers are also aware of a more recent feasibility study for a new independent building within the scheduled area; but plans for development of the wider area (Southern Gateway project by the City of York Council) are insufficiently progressed to enable an independent structure to be sited anywhere other than close up to the mound where it would have severely intruded on the free-space around the monument necessary to preserve its character.

IMPACT ON HERITAGE ASSETS

4.19 York Castle, the motte and Clifford's Tower are designated heritage assets. They comprise a scheduled ancient monument and a Grade 1 listed building located within the Central Historic Core Conservation Area and within the Central Area of Archaeological Importance. They form part of an ensemble of buildings, spaces and sub surface deposits which represent one of the most important heritage sites in the country.

4.20 The scheduled status of Clifford's Tower takes precedence in assessing impacts on the architectural and historic interest of the building and on its archaeology. Therefore there is no application for listed building consent. The Scheduled Monument Consent process is handled by Historic England. The assessment required in considering the planning application relates to the impact of proposals on the appearance and setting of Clifford's Tower and its neighbours and on the character and appearance of the conservation area.

4.21 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic

interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining Planning applications.

4.22 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 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.23 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.24 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Draft 2005 Local Plan policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

Conservation and repair of the tower

4.25 Proposals affecting the outward appearance of the structure include the replacement of ironwork and guarding to windows including new guarding in places which were previously inaccessible. Iron and steel would be replaced with bronze and Perspex sheets would be renewed in laminated glass in oak frames. Officers consider that these works would have neutral to beneficial effects and are related to

the public benefits of the scheme which include access to more historic features of the tower.

4.26 Rainwater goods on the “Forebuilding” would be renewed to take extra capacity. This would involve a change to the detail at the wall head, the creation of outlets in the stone to take new chutes, and an extra downpipe on the west side. Rainwater goods would be in lead, though the bottom sections of the downpipes and brackets would be in a visually “matching” cast iron to deter theft.

4.27 The introduction of the roof level deck would be considered to have conservation benefits in allowing the safety railing to be removed from the perimeter stone parapet. In addition the internal walls of the building would be protected from the weather. The associated repair/replacement of the 20th Century ring beam under the wall walk would also allow it to be re-formed as a wide gutter. Rainwater would be diverted under the deck and discharged down the 4no new columns to be taken away from the building.

New structure within tower including roof deck

4.28 The proposed structure has been designed to be a reversible introduction with an actual “light touch” where it meets existing fabric. It would be formed of laminated timber and the deck would sit on four columns, located at the centre of each of the lobes, supported by a new raft foundation at ground level to spread the load and limit intrusion into archaeology. Contact with the historic structure would be “non invasive”. The Council’s Conservation Architect recommends that the soffit of the deck be redesigned to emphasise the unique quatrefoil form of the tower. This would affect the layout of main and secondary beams only, as the columns already mark the centre of the lobes. It is recommended that this matter is addressed under the Scheduled Monument Consent application.

4.29 The new deck would have a central diagonally rotated compluvium (hole to let the rain in) to maintain a direct connection between inside and outside. This would allow the quality of natural light to vary throughout the day and year. The semi-internalized environment would enable the interior to be modified by light, sound or projection to illustrate the castle’s many historical events where they took place.

4.30 Suspended metal walkways would allow access to the west and east bartizans and the garde-robe at first floor level. By also completing two of the damaged spiral stairs of the castle (one in metal to be identifiable as new and one in stone), new circuits would be created to allow visitors to experience different aspects of the historic castle and its views. These interventions would have no impact outside the keep, other than the additional guarding at windows referred to previously.

4.31 At its highest point, the deck edge would be approx 500mm higher than the previous wall walk to avoid unnecessary disturbance of stonework. This depth of

floor structure is required to make an effective high level cantilevered raft from which the walkways can be suspended. The new balustrade would also be slightly higher to meet safety regulations. The impact of this increased height on views from ground level would be mitigated by the deck and balustrade being set back from the outer edge of the perimeter wall by 1.0m and the balustrade would be designed with an open mesh to be as transparent as possible. A deep timber handrail would be provided to accept information and although this would be slightly more visible than the existing rail it would have an ephemeral appearance from ground level views which would be over 30m lower and 40m away at their closest. Similarly to reduce the visibility of the deck to each side of the Forebuilding, where the parapet offers no screening, a sunken auditorium would be introduced. People would still be visible in views from ground level but the increased set back from the parapet would off-set the extra height of the deck.

4.32 Stepped seating would increase comfort conditions on the deck and the small timber kiosk proposed would enable refreshments to be procured. This timber kiosk has been carefully located to avoid being visible from ground level.

4.33 Due to its design, location and height, the proposed deck and balustrade would have a neutral impact on the character and appearance of the conservation area and on the setting of the monument when seen from ground level views.

4.34 In accordance with paragraph 137 of the NPPF (detailed at paragraph 4.24), it is considered that provision of the deck would greatly increase public enjoyment of the views and, together with provision of information and re-enactment, would promote understanding of the castle's strategic position, its historic development and its various roles in the life of the city and the region. By enhancing opportunities to experience key view 16 as identified in the Central Historic Core Conservation Area Appraisal, it is considered that the set-piece planning and architecture of the 18th Century classical prison and court buildings would also be better revealed.

New entrance building and visitor centre at base of motte

4.35 The former castle site (character area 13 in the Central Historic Core Conservation Area Appraisal) is one of the most archaeologically, historically and architecturally important sites in the country. As such, it is acknowledged that any proposed intervention must be justified and be carefully designed to respect the immediate setting of the assets, the relationship between them and key views within the conservation area.

4.36 The proposal involves the creation of a new entrance building on the South Eastern side of the monument at the base of the motte below the Forebuilding. Officers consider this to be the only historically meaningful place to site a gateway building in the motte as it marks the place of the former crossing point over the moat to the outer bailey. It reaffirms the strategic importance of the location as illustrated

in a document from the 1680s which shows a drawbridge in this location. By locating the new building on axis with the singular entrance in the Forebuilding, the existing gateway does not lose its significant defensible role.

4.37 The feasibility study submitted with the application demonstrates that each of the three alternative locations explored have a more harmful impact on the setting and views within the castle area. The alternative locations would each isolate the historic entrance from the Forebuilding and cause intrusive alteration of the mound, as an ambulant stepped pathway with guarding and handrails at both sides would be required.

4.38 Although Officers recognise that the proposed scheme would cause some harm in altering the daunting simplicity of a much cherished and familiar view, the harm would be less than substantial, and there would be considered to be positive benefits:

- in reaffirming a historic control point
- in providing a platform (on the roof) from which the development of the area could be better explained and visualized
- and in easing the ascent by providing a resting point

4.39 The existing steps would be removed and a further landing would be introduced into the new lightweight steps. The mound would be repaired and planting supplemented with commemorative daffodils.

4.40 The new building would be integrated into the mound and service functions would be buried underneath it to reduce the apparent mass of the building. This proposal takes advantage of 19th Century alterations to accommodate the new county gaol which resulted in the loss of the lower third of the motte and the construction of a high retaining wall to contain the spread. Recent archaeological investigations have rediscovered the retaining wall and the modern back-fill made up of demolition spoil. The massive early 19th Century grit-stone retaining wall would be revealed within the proposed visitor centre and its significance would be explained. As the proposed area of development would be out-with the retained archaeology, impact would be lessened and theoretically the building could be removed in future with only minor disturbance to the ground having occurred for footings.

4.41 The internal cross walls of the visitor centre have been designed to have a buttressing function against this wall, and they add to the extensive works of structural stabilization to the South Eastern quadrant of the keep carried out in the early 20th Century.

4.42 The proposed visitor centre would be close to the “Eye of York” and be inter-visible with the formal buildings introduced over the course of the 18th Century

which, together with the imposing landmark of Clifford's Tower, define the area. In this location it is considered that key views of the complex from Piccadilly Bridge would be preserved; views of Clifford's Tower (alone) from Foss Bridge would be preserved; views from Castlegate (the historic approach to the outer castle gate) would be preserved; and views from the more recent approach of Clifford Street would also be preserved. There would be minor harm to the approach view from Tower Street (painted by Lowry in 1950s) where the relatively small triangular South West gable would be visible approximately 40 metres away. Despite this, it is considered that the proposals would not challenge the particularly imposing character of the keep from this direction, due to the topography of the site and the relatively small size and form of the intervention.

4.43 Concerns have been expressed about the visitor centre extension causing separation between the buildings of the Eye of York and Clifford's Tower. The relationship between the outer bailey and the tower has changed over time. The 18th Century interventions were added over a period of approximately 80 years and they have resulted in a strong formal grouping of large classical buildings whose relationship is primarily with each other. Officers note that the relationship with Clifford's Tower does not appear to have been formally planned. Officers consider that the relatively low height and mass of the visitor centre building and its anchorage within the mound relate it strongly to the tower and therefore do not consider that it would compromise the current less formal relationship between the two set pieces (18th Century building group and Clifford's Tower).

4.44 The apparent mass of the new building has been minimized to preserve the dominance of the tower and motte and it has been designed to reduce the harmful effect of cutting across the forceful vertical axis. The front elevation would be contained within the width of the tower and it would occupy the lower third of the motte. The new large entrance doors have been repositioned centrally on axis and they would be highlighted from inside with the use of pavement lights in the roof above.

4.45 It is noted that the architecture of the new building uses the archetypal form of the colonnade to convey strength and simplicity without being forbidding. Strength must be expressed to give a plausible base to the motte and tower, and simplicity to avoid pastiche, or parody, or becoming a distraction from the highly valued and rich architecture of the existing structures.

4.46 The visitor building is a gateway into a medieval structure of architectural distinction (as opposed to a Neolithic burial mound) and accordingly a degree of refinement has been achieved in the front elevation by following the radial curve of the motte and by softening the edge detail of the columns where they project beyond the generously proportioned windows. The fascia/entablature remains deep and unrelieved. In developing the construction details, Officers recommend further subtle refinement of the facade detailing which can be addressed by means of a

condition. It is noted that the proposed wet cast stone is capable of achieving a high quality finish whilst attaining the required technical performance. Its use would enable the new extension to blend in colour, texture and tone with the parent building of magnesian limestone and be “of the place as well as of its time”.

4.47 The replacement of the 9No. car parking spaces with useable hard landscape in reclaimed York stone pavings would be considered to be a minor enhancement of the immediate setting facing the “Eye of York”. The lighting level of any up-lighting within the area would be the subject of a condition to ensure the prominence of Clifford’s Tower is retained.

ARCHAEOLOGICAL CONSIDERATIONS

4.48 As noted in paragraph 4.20, the scheduled status of Clifford’s Tower takes precedence in assessing impacts on the architectural and historic interest of the building and on its archaeology and the Scheduled Monument Consent process is handled by Historic England. Nevertheless, the City Archaeologist has been involved in pre-application discussions and has provided an assessment of the impact of the proposed works.

4.49 The proposed visitor centre would be set within the footprint of the motte but certain elements would extend beyond its footprint. The construction of the visitor centre would involve: removal of the lower third of the motte within the proposed footprint of the visitor centre; excavation to provide (i) a foundation for the new building (ii) a semi-basement area within the visitor centre (iii) service connections and (iv) a drainage attenuation tank. The construction of the foundations and support for the new roof to Clifford’s Tower would require excavation and level reductions within the tower.

4.50 2005 Draft Local Plan Policy HE10 advises that developments that involve disturbance of existing ground levels on sites within the City Centre Area of Archaeological Importance will be granted provided that applicants can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.51 As detailed within paragraphs 3.5 to 3.9, the Council’s Archaeologist acknowledges that the proposed works would have a detrimental impact on archaeological features and deposits and considers that it is likely to exceed the 5% as stipulated in draft Policy HE10. However in the context of the more up to date NPPF paragraph 134, it is considered that the proposed works would cause “less than substantial harm” to the significance of the archaeological heritage asset. In accordance with paragraph 134 of the NPPF, “*where a proposal will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*”.

4.52 Through the implementation of a number of mitigation measures, Officers consider that the proposed development at Clifford's Tower offers an opportunity to both enhance understanding of the monument and to engage with a wide range of audiences thus delivering significant public benefit. The City Archaeologist notes that the mitigation measures would provide a rare opportunity to interrogate the site of such an important and significant motte when questions relating to the pre-castle landscape, the date and constructional sequence of the motte, can be addressed. The location of the development increases the potential to enhance community understanding of and engagement with archaeology in the city.

4.53 The mitigation measures to be secured via a condition will include: archaeological recording of material forming the lower segment of the motte to be removed; archaeological recording of the 19th century retaining wall to be revealed; archaeological excavation of all features and deposits down to formation levels for sub-surface accommodation, foundations, attenuation facilities and service connections; a programme of public access and community engagement with these archaeological works; publication of the results and deposition of the archaeological archive with an appropriate registered museum.

SUMMARY OF IMPACT ON HERITAGE ASSETS

4.54 An assessment as to the impact of the proposed development on the appearance and setting of this Grade I listed building and its neighbours, and on the character and appearance of the Central Historic Core Conservation Area concludes that the proposed development would cause some harm to the designated heritage assets. This is largely due to the impact on archaeological deposits and through changes to the familiar and much cherished view of the tower which was established in the 1930s.

4.55 The harm to the heritage assets is assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm in the planning balance, despite it being minor.

4.56 Overall the scheme has a number of public benefits and there are material considerations that are considered to outweigh the impact of the minor harm, even when providing it considerable importance and weight in the planning balance. The proposed development has been designed to greatly enhance the visitor experience, by enabling better physical and intellectual access to the monument, and by capitalizing on its elevated position to improve interpretation, understanding and enjoyment of the place and its histories. The design of the Visitor Centre has been carefully refined over time such that it is now considered to make a convincing architectural contribution in its own right without challenging the dominance or character of the existing structures. Its apparent height and width would be relatively

small and it would be anchored into the motte in a historically meaningful place. Furthermore, the majority of identified views within the conservation area (of the tower and the buildings around the “Eye of York”) would be preserved.

4.57 The public benefits of the scheme and the overall quality of the design are therefore considered to outweigh the harm.

4.58 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

IMPACT ON AMENITY

4.59 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.60 The visitor centre, which would include the provision of a shop, cafe and external seating connected to the cafe, would have opening hours of 10:00 to 18:00 Mondays to Sundays. Given these hours of opening and the city centre location, it is not considered that noise from use of the visitor centre / café would be likely to result in any loss of amenity to nearby residential properties. Conditions are proposed to require details of plant and machinery and in the event that unexpected contamination is detected during the development works, a condition relating to the reporting of unexpected contamination is recommended.

4.61 To safeguard the amenity of the occupants of nearby commercial and office premises and the occupants of residential properties during the demolition and construction phases of the development, conditions restricting the hours of construction and demolition works and requiring the submission of a Construction Environmental Management Plan (CEMP) are also recommended.

FLOOD RISK

4.62 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Draft 2005 Local 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.

4.63 The application site is within functional flood Zone 1. The NPPG advises that it should not normally be necessary to apply a Sequential Test to proposals for development in Flood Zone 1. The proposed Visitor Centre is classed as a “less vulnerable” development. The Technical Guidance to the NPPF confirms that “less vulnerable development” is appropriate in Flood Zone 1 and therefore the application of the Sequential Test and Exception Test is not required in order to further assess flood risk.

4.64 In terms of drainage, attenuation would be sized for the 1 in 100 year storm event with a 20% allowance for climate change; in a 1 in 100 year storm event, this would provide 67% betterment on existing runoff rates. Attenuation would be provided in the form of geocellular storage which would enable storage to be kept as shallow as possible.

4.65 Taking into account archaeological considerations, the Flood Risk Management team confirm that attenuation depth requirements could be relaxed if so required.

DESIGNING OUT CRIME

4.66 The Police Designing Out Crime Officer is concerned that the design of the roof deck of the Visitor Centre and, in particular, the proposal to allow access to it outside of opening hours, has the potential to increase the already high levels of complaints received by the Police and the Council in relation to street drinkers and people sleeping rough in the area. The applicants explain that the reason for allowing access to the roof deck outside of opening hours is so that people who choose to climb onto the roof deck at night can do so without scrambling up the grassy banks of the motte, causing unwelcome erosion.

4.67 The applicant has confirmed that advice from the police will be accommodated within the design, for example the visitor centre's roof terrace and the public spaces within the visitor centre would have CCTV surveillance and the benches to the eastern side of the visitor centre would be fitted with arm rests to prevent their use by rough sleepers.

5.0 CONCLUSION

5.1 The proposed works have the potential to greatly enhance the visitor experience to the Tower by enabling better physical and intellectual access to the monument, and by capitalising on its elevated position to improve interpretation, understanding and enjoyment of the place and its histories. There would be some minor harm to designated heritage assets, i.e. on archaeological deposits and through changes to the familiar view of Clifford's Tower from the Eye of York. Having attached considerable importance and weight to the desirability of avoiding such harm, the local planning authority has concluded that it is outweighed by the application's public benefits and by the new building having been carefully designed to make an architectural contribution in its own right without challenging the dominance or character of the existing structures. The majority of identified views within the conservation area would be preserved. All other issues are satisfactorily addressed.

5.2 The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

6.0 RECOMMENDATION:

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:-

2239-01/01/14 Rev A External North-East Elevation as proposed

2239-01/01/15 Rev A External North-West Elevation as proposed

2239-01/01/16 Rev A External South-East Elevation as proposed

2239-01/01/17 Rev A External South-West Elevation as proposed

2239-01/01/51 Rev D Forebuilding: Ground Floor Plan

2239-01/01/62 Rev D Chapel: Roof Plan as proposed

2239-01/01/65 Rev B Forebuilding RWPs Elevations as existing and as proposed

2239-01/01/91 Windows Glazing and Grilles GF plan as proposed

2239-01/01/92 Rev A Windows Glazing and Grilles FF plan and chapel ring beam level plan as proposed

2239-01/03/21 Rev D Forebuilding Gutters Details typical sections as existing and as proposed

2239-01/03/25 Rev B Wall Top typical section

VC Site Plan SK37 Rev A (dated 12.4.16)

217-P1001 Proposed Site Plan

217-P1002 Site Ownership Plan

217-P1003 Construction Plan

217-P1010 Proposed Ground Floor Tower Plan

217-P1011 Proposed First Floor Plan

217-P1012 Proposed Roof Plan

217-P1015 Proposed Visitor Centre Ground Floor Plan

217-P1016 Proposed Visitor Centre Roof Plan

217-P1020 Proposed Tower Section AA

217-P1021 Proposed Tower Section BB

217-P1022 Proposed Tower Section CC

217-P1023 Proposed Section DD

217-P1025 Proposed Site Sections 01 and 02

217-P1030 Proposed Visitor Centre Section AA

217-P1031 Proposed Visitor Centre Section BB

217-P1040 Proposed North East Elevation

217-P1041 Proposed North-West Elevation

217-P1042 Proposed South West Elevation

217-P1043 Proposed South East Elevation

Reason: For the avoidance of doubt and to ensure that the development is carried

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out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. Sample panels of the wet cast concrete for the visitor centre shall be set up on site to enable them to be visualized in relation to the parent building. Colour, texture, patterning and finish shall be controlled as well as the formation of junction details and associated pointing. 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.

Reason: In the interests of safeguarding the character and appearance of Clifford's Tower and the wider conservation area.

4 Notwithstanding drawn information submitted in the application documents, large scale details of the following items and areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Existing building and motte

- a) roof-top balustrade, including leaning rail/hand rail and associated interpretation. Roof-top kiosk, fixed waste bins and any other fixture on the deck
- b) new windows and/or guarding in the stone walls visible from outside
- c) new chutes formed in stonework and lined with sand cast lead, located at each side of the Forebuilding
- d) new metal staircase, landing and supports running between roof of visitor centre and threshold of tower

Visitor Centre

Full details of visitor centre building (suggest at 1:20 and 1:5 as necessary) to include:

- e) typical front elevation bay in plan, section and elevation at 1:20 with special details at 1:5
- f) gable end details showing assembly details, junctions, integration of steps and handrails (west), integration of kiosk aperture, shutter and plant grills (east)

- g) typical section, front to back, and plan through VC roof including details of roof edge, planters, pavement lights, balustrades and seating on back wall
- h) details of windows and external doors, gates, shutters, grills and any other external aperture or external fixture

Landscape

- i) full details of hard and soft landscape shall be provided, including details of seating, waste bins, cycle parking, signage and any other artefact proposed within the immediate setting of the tower.
- j) Details of external lighting or plant equipment. Light levels of any new up-lighters shall be highly controlled.
- k) Full details of the design and new location for the commemorative plaque.

Reason: In the interests of safeguarding the character and appearance of Clifford's Tower and the wider conservation area.

5 A programme of archaeological mitigation, including excavation, public access and community engagement, post excavation assessment & analysis, publication, and archive deposition is required in connection with this development. Prior to Commencement of Development the applicant will submit an archaeological project design for archaeological mitigation on this site. The works set out in the project design shall be approved and discharged in the following 3 stages:

A) No development shall commence until an archaeological project design including a written scheme of investigation (WSI) describing the archaeological project (excavation, public access and engagement, post-excavation assessment and analysis, publication and archive deposition) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation, post investigation assessment and analysis, report preparation and submission for publication, and archive deposition shall be completed in accordance with the programme set out in the project design and WSI approved under (A). This part (B) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved project design and WSI and have been approved by the local planning authority in writing.

C) A copy of a report or publication of the project shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 12 months of completion of works on site or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

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

6 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

7 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

- o Monday to Friday 08.00 to 18.00
- o Saturday 09.00 to 13.00
- o Not at all on Sundays and Bank Holidays.

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

8 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. All works on site shall be undertaken in accordance with the approved scheme, 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 result 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).

For dust details should be provided on measures the developer will use to minimise dust blow off from site. 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. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). The plan should also provide detail on the management and control processes. 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/>

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 area and local residents.

9 In the event that 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.

10 Prior to the use of the visitor centre hereby approved, details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the cycle parking has been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

11 Full details of the location and design of a sign to be sited on the northern side of the mound, to direct pedestrians to use the footway which runs around the west side to the visitor centre. shall be submitted to and approved in writing by the Local Planning Authority prior to the opening of the visitor centre. The sign shall be installed in accordance with the approved details prior to the use of the visitor centre commencing.

Reason: To encourage visitors use this footway in the interests of pedestrian safety

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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Engaged in extensive pre-application discussions with the applicant; Negotiated improvements to the proposal such that the application could be supported.

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

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

(b) The best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

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

(d) There shall be no bonfires on the site

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