

## COMMITTEE REPORT

**Date:** 17 November 2011      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 11/02267/FUL  
**Application at:** Castle Museum The Castle York YO1 9RY  
**For:** Alterations to land between York castle walls, River Foss and Tower Street including new paths, steps and lighting  
**By:** Mr Martin Watts  
**Application Type:** Full Application  
**Target Date:** 19 October 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission for works in the grounds of the Castle Museum, a Grade I listed building and Scheduled Monument within the Central Historic Core Conservation Area. The works would take place between the southern wall of the Castle Museum, the River Foss and Tower Street. The area was used as a coal merchant's yard in the 19th century and allotments in the early part of the 20th century. It is intended to develop the use of the site as a high quality resource for visitors to enhance their experience of the Castle Museum. It would act as an outdoor educational area, would provide an attractive outdoor space with seating areas, would develop and enhance the semi-natural setting of the River Foss and would create an ecological landscape maintaining a green corridor through the centre of York.

1.2 The site contains the Raindale Mill which is a relocated early 19 century flour mill from Pickering in 1935. The area was landscaped in the mid- 1960's and Raindale Water Mill was opened to the public in 1966. The mill is open to the public, but is limited to weekends and although the renovation of the waterwheel was completed this year, viewing of the wheel has been limited due to access and health and safety reasons. The proposed works would allow wheelchair users to access the lower level of the mill. The top level of the mill is fully accessible.

1.3 The large grassed area is accessible to the public when the riverside area is open, but suffers from limited visitor appeal, poor environmental conditions, and limited accessibility. The site is limited in the wildlife that it attracts, and is dominated by a variety of geese. The trees on the site are either ornamental and planted for amenity reasons or self-seeded, and their growth now obscures the Castle Walls. The landscaping improvements include; a new flight of steps with landing and handrail; a new 1.8m gravel path and paving linking the castle walls, Raindale Mill and the River Foss; new fencing and handrails; planting of traditional native

hedging, trees, wildflower meadow; creation of a wetland, cottage garden, and small pond; and the provision of artificial otter holt, bird and bat boxes.

1.4 The application has been the subject of a public involvement exercise and extensive pre-application discussions with public agencies, community groups, residents and employees. Another of the aims of the project is to create opportunities for community involvement in the area from the design process, through implementation, to the longterm maintenance of the site. Other aims include-

- a) Improved views of the Castle wall
- b) The integration of Raindale Mill to its surroundings and to enable safe and accessible viewing of its recently restored working wheel
- c) Promotion of the River Foss
- d) Creation of a bio-diverse urban landscape
- e) Improvement of the interpretation and educational potential of the site
- f) Improvement of the health and safety of the site and reduce risk to users.

1.5 This application is presented to the West and Centre Planning Sub-Committee at the request of Cllr Brian Watson given the importance of the site in the landscape of the City.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 1; Castle Museum The Female Prison  
Castle Precinct

Listed Buildings GMS Constraints: Grade 1; Crown Court And Attached Railings  
Castle Precinct

Listed Buildings GMS Constraints: Grade 1; City Wall From Tower Street To River  
Foss 0989

Listed Buildings GMS Constraints: Grade 1; Castle Museum (The Debtors Prison)  
Castle Precinct 0988

Scheduled Ancient Monuments GMS Constraints: SMR No.13275; York  
Castle(including Clifford's Tower)

### **2.2 Policies:**

CYHE4 Listed Buildings

CYHE2 Development in historic locations

CYHE10 Archaeology

CYGP9 Landscaping  
CYGP15 Protection from flooding  
CYNE1 Trees, woodlands, hedgerows  
CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats  
CYNE7 Habitat protection and creation  
CYHE9 Scheduled Ancient Monuments

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Design Conservation and Sustainable Development

3.1 The Landscape Architect, Conservation Officer and Ecology Officer have no objections subject to conditions.

##### Property Management

3.2 The Council own the freehold of the land forming the area of the planning application and have leased it to the York Museums Trust, but the river sides are not included in the lease. Formal consultation should take place with the Council to allow the effect of any planting on the stability of the river bank to be assessed and the river sides where these are more formally constructed- drainage and landscape officers. Implementation of the works would require consent from Property Management. The proposed scheme would enhance the area of the riverbank and open it up visually.

#### EXTERNAL CONSULTATIONS

##### Guildhall Planning Panel-

3.3 No objections but have reservations in the creation of an historic period that is misleading to users.

##### Conservation Area Advisory Panel

3.4 Welcome the opening up of the area and the opportunity to expose the original gate into the museum by removing trees. Do not want to see too many interpretation boards and question whether hedging is the right boundary treatment. Prefer to see the riverside railings removed with a grassed bank and dwarf wall erected. The cottage garden should be fenced and any new trees should be native species. Concerned that there would be too many possibly conflicted themes being introduced and would prefer to see a calmer space.

##### York Natural Environment Panel

3.5 The panel welcome the scheme that would be a visual and content improvement to the area.

## British Waterways

3.6 No objections

## Environment Agency

3.7 No objections but recommend that an informative is attached regarding back filling and infilling.

## English Heritage

3.8 The proposed works would substantially improve the significance of the heritage asset and its setting. Scheduled Monument Consent would be required from the Secretary of State before works can commence on site.

## **4.0 APPRAISAL**

4.1 Key Issues include Land Use, Visual impact - listed building/ conservation area, Impact on archaeological remains, Natural environment, Flood Risk.

## POLICY CONTEXT

### National Policy

4.2 Planning Policy Statement 1: Planning for Sustainable Development ( PPS1) aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 Planning Policy Statement 5 "Planning for the Historic Environment " seeks to ensure that the special characteristics of listed buildings are not adversely affected by inappropriate alterations/ additions.

4.4 Planning Policy Statement 25: Development and Flood Risk explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

### Local Plan Policy

4.5 POLICY HE4 of the Local Plan relates specifically to listed buildings and states to ensure that there is no adverse effect on the character, appearance or setting of the building from resulting developments. POLICY HE2 of the Local Plan states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. POLICY HE9 advises that planning permission should not be granted for developments that would adversely affect a scheduled ancient monument or its setting. POLICY HE10 seeks to ensure that development in areas of archaeological interest respects the presumption in favour of the physical preservation of remains.

POLICY GP15a of the Local Plan requires that the proposal demonstrates any flood risk will be appropriately managed with the minimum environmental effect and ensure that the site can be developed, serviced and occupied safely. POLICY NE7 of the Local Plan seeks the retention and, where possible, measures to encourage development measures that would establish new habitats. POLICY NE1 seeks to protect existing the historical, amenity, landscape, and nature conservation value of trees on the site. POLICY NE2 protects the value of river and stream corridors and POLICY NE8 advises that planning permission should be supported for developments that ensure the continuation and enhancement of green corridors within the City. POLICY GP9 is a more general policy that supports the preceding policies.

## APPRAISAL

### Land Use

4.6 The site to the rear of the Castle Museum is currently a small, relatively under-used public open space alongside the River Foss. The site currently consists of an area of short grassland with scattered trees, and an area of dense scrub towards the northern part of the site as it runs alongside the river, and to the rear of the museum buildings. The proposed scheme would involve a number of enhancement and management opportunities aiming to bring this site and its mill back into use both by visitors of the museum and by the general public, and also aims to increase the biodiversity value which would be especially beneficial in this location. The increased accessibility and increased educational use of the site would significantly enhance the heritage assets in the area, their setting and provide considerable public benefit.

### Visual Impact

4.7 The proposed landscaping works would open up public views of the Castle Walls and generally improve access from the Castle Museum to Raindale Mill. The introduction of hedging and wildflower planting at the railed boundary with Tower Street would reduce noise and visual intrusion from vehicular traffic in Tower Street. The visual improvements would result in the opening of views to the restored water wheel and mill, an attractive setting for Raindale Mill together with new paths and planting beside the River Foss. Together this would result in a richer, more attractive bio-diverse urban landscape within the setting of the Castle Walls and the River Foss. The application is supported by an appropriate level of documentation defining the significance of the heritage asset in accordance with Planning Policy Statement 5. The scheme is also supported by a post-works Maintenance and Management scheme. There would be no conflict with Policies HE2 and HE4 of the Local Plan that seek to preserve the aesthetic and historical value of listed buildings within the conservation area.

## Landscape, Tree and Hedge Works

4.8 The scheme involves the removal and pruning of some trees to open up views from within and outside of the grounds. At the northern end of the site, ground light levels would be increased to encourage a greater diversity of ground flora. Although the existing ornamental Rowans at the southern end block some views, they also add to the attractive treescape in the area. It is considered that an appropriate balance would be met by removing three Sorbus and retaining four of them.

Similarly although the sycamore, elder and willow at the northern end of the site are 'self sown', they provide a semi-natural setting for the River Foss, and add to the general tree cover which partly screens the less attractive buildings on the opposite bank. Therefore the importance of some tree cover is recognised in the proposals.

4.9 The trees within the wooded section have not been managed, consequently the younger ones are in need of thinning and there are no particularly good, individual, mature specimens. The aim is to gradually replace the heavy tree cover of the sycamore with a more suitably spaced range of better quality native trees. The timing and suitability of such retention/removal of the trees will depend on the success of the replacement planting within the first phase, plus an assessment of wildlife activity in the area. The planning application drawings only show the tree removals within the first phase of works. The management plan proposes a second phase of removal in five years or so.

4.10 The removal of a number of trees from the river bank would increase the range of ground flora to include species such as bluebell, primrose, and wood anemone, and would also allow the introduction of a sparse under storey of hazel (which can be coppiced) and holly.

4.11 The proposed removal of some smaller vegetation – Hawthorn and Elder close to the mill has no great value both aesthetically or historically. It would be replaced with a small pond, and orchard trees of historic northern varieties of apple and pear, and a new more consistent native hedge to be kept trimmed at a lower height. Thus the final scheme would have greater amenity, educational and bio-diversity value, whilst also improving the setting of the mill.

4.12 The proposed maintained hedge along the boundary with Tower Street would be acceptable. It would serve to screen the passing traffic from within the museum's external area, whilst not blocking views of the castle from Tower Street.

4.13 The works would include improvements to the relationship with the river by utilising the steep retaining structure running between the mill and the bridge to create seating right by the river whilst re-siting the benches elsewhere within the grounds from where one can enjoy views of the castle. There would be some ground level changes within the middle section to aid access to the wildflower meadow area and River Foss.

4.14 The proposals present an improvement to the landscape setting and function to this rear area of the castle, and provide a better relationship with its surroundings, including the river Foss and Tower Street. They would be supported by Policies GP9 and NE1 of the Local Plan.

#### Archaeology

4.15 The application site lies within the Scheduled Monument of York Castle and the works would require consent from the Secretary of State. The impact on archaeological remains would be covered in the scheduled monument consent application.

#### Wildlife

4.16 The River Foss in particular provides very good habitat for a range of wildlife species and is also a regionally important green corridor as identified within the Local Plan and supported by Policy NE8. This site therefore contributes to this corridor and the proposals on the site seek to strengthen and enforce this important wildlife corridor as much as possible. The creation of wildflower areas, additional tree and hedge planting and management of the wooded area to the north of the site, the creation of wetland and marginal planting, and the creation of a cottage garden area would be welcomed and supported by Policy GP9 and NE7 of the Local Plan. The provision of bat and bird boxes across the site and an artificial otter holt created within the woodland area would further enhance biodiversity and be supported by Policy NE7 of the Local Plan. Otters, as well as water voles, have been recorded along this stretch of the River, and the river corridor also provides important foraging, commuting and roosting opportunities for the local bat population and a number of bird species.

4.15 The site is at present well used by geese and as such the grassland is kept very short and is quite compacted. As part of the scheme, it is intended to extend and enhance this grassed area through adopting an appropriate cutting/management regime, and through incorporating additional wildflower areas, including taller, more shade tolerant species alongside the new hedgerow and tree planting to the Tower Street frontage, a traditional wildflower meadow and an area of wet grassland. Cornfield annuals would also be planted close to the Mill building which would tie in well with the interpretation of this feature, along with the creation of a cottage garden which would provide nectar rich flowers. These are very beneficial for invertebrates, particularly bees and butterflies. The proposed seeding mixes for these different areas are considered to be suitable and would include native species indicative of these habitat types.

4.16 The existing scrub and wooded area which leads round the back of the museum buildings towards the car park is overgrown and consists of mainly self-seeded trees such as sycamore and willow. The proposed thinning and selective removal of trees/shrubs would be beneficial and would open up the area, allowing for some under storey planting as well as the establishment of woodland ground

flora. The proposed artificial otter holt would be incorporated into this area where it is not going to be disturbed by the public and the proposed new marginal planting and maintenance of this wooded area would ensure that there is suitable cover away from public use.

### Flood Risk

4.17 No objections have been received from the Environment Agency and the proposed importing of material onto the site would be acceptable. The possibility of using dredged material was discussed between the Council's Flood Risk Manager, the Environment Agency and the agent, and whilst preferable it would be costly and not essential. The Council's Flood Risk Manager raises no objections to the scheme and there is no conflict with Policy GP15 of the Local Plan and Planning Policy Statement 25: Development and Flood Risk.

## **5.0 CONCLUSION**

5.1 Through the proposed enhancement projects and through the introduction of specific and sensitive management regimes at this site, there is the potential for biodiversity and ecological benefits, as well as scope for increasing the educational use of the site and linking in with the museum collections. The landscape proposals would enhance the setting of the Castle Walls, improve access within the site, and enhance the character and appearance of this open space within the context of the Conservation Area. There would be no conflict with adopted local and national planning policies and the scheme would result in considerable public benefit.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved Plans

3 Prior to the commencement of the works hereby approved, the following details shall be submitted for the written approval of the Local Planning Authority, and thereafter the works shall be implemented and retained in accordance with the approved details:

- a) Detailed landscaping plan showing the existing trees to be retained, trees to be removed as part of Phase 1, and trees to be planted as part of Phase 1
- b) All new surfacing materials
- c) Profile of pond
- d) Location and details of interpretation boards, bird habitat features, otter holt
- e) Lighting scheme
- f) Details of works that will affect the navigation of the River Foss



Reason: To ensure that the details would be acceptable in the interests of the landscape of the area, its bio-diversity, visual amenity and historical and architectural interest of the Listed Building and the amenity of the wider conservation area.

4 Any trees or plants which within a period of five years from the implementation of the submitted landscaping scheme that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the agreed variety, suitability and disposition of species within the site.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special interests of the listed building, the conservation area, the scheduled ancient monument, archaeology, bio-diversity, flooding. As such, the proposal complies with Policies HE2, HE4 HE9, HE10, GP9, GP15, NE1, NE2, NE7 NE8 of the City of York Development Control Local Plan ( 2005) ; and national planning guidance contained in Planning Policy Statements 1 "Delivering Sustainable Development," 5 "Planning for the Historic Environment" and 25 " Development and Flood Risk."

#### **2. ENVIRONMENT AGENCY ADVICE**

The Environment Agency advises that the Infilling of soil behind the woven hazel will be acceptable provided it follows the line shown on the submitted plans. The use of dredged material for this back filling would be supported but it is not essential.

#### **3. PHASE 2 TREE REMOVAL WORKS**

The second phase of tree removal referred to in the management plan shall be subject to further notification to the local planning authority in accordance with Section 211 of the Town and Country Planning Act for works to trees in a conservation area.

### **Contact details:**

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