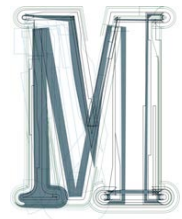


m b Heritage

Persimmon Homes (SID 125)

Examination of the City of York Local Plan
Matters, Issues and Questions

Phase 4 Hearings
Matter 4 – Placemaking, Design, Heritage,
and Culture



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1.0 INTRODUCTION

1.01 This response, prepared on behalf of Persimmon Homes (SID 125), is made in respect to Matter 4 – Placemaking, Design, Heritage and Culture of the Phase 4 Hearings of the Examination of the City of York Local Plan 2017-2033. It specifically responds the Question 4.10 put by the Inspector:

4.10 Will Policy D10 offer appropriate protection for the City Walls and St. Mary’s Abbey Walls (York Walls) and their settings?

1.02 The response is set out below.

2.0 RESPONSE TO MATTER 4 – QUESTION 4.10

Will Policy D10 offer appropriate protection for the City Walls and St. Mary’s Abbey Walls (York Walls) and their settings?

2.01 In part. Persimmon Homes considers that elements of the Policy and assessment criteria are imprecise and inappropriate and fail to reflect the changing nature and setting of the City Walls and St. Mary’s Walls.

2.02 Persimmon Homes supports the over-arching intent of Policy D10 to “conserve and enhance the values and significances of York Walls” and to enhance “physical and intellectual access to York Walls.” It is however concerned that the assessment criteria for new development proposals, as worded in the Policy, is overly generalised and open to subjective interpretation which will impede otherwise acceptable development or redevelopment, including developments which may enhance the setting to the Walls, within a wide area of the City Centre.

2.03 Whilst the broad intention of the Policy and the high significance of the City Walls are acknowledged it is questionable whether a specific and restrictive development control policy is required and whether the intention and effectiveness of the policy can be achieved within a more generic policy in respect of designated heritage assets. Such an approach has been adopted in Development Plans for other historic walled cities including Bath (Policy HE1, Bath

and North East Somerset Local Plan 2011-2029), Canterbury (Policy HE1, Canterbury District Local Plan 2017), Chester (Policy ENV5, Cheshire West & Chester Council Local Plan 2015), Chichester (Policy 47, Chichester Local Plan 2015) and Lincoln (Policy LP25, Central Lincolnshire Local Plan 2017). These policies follow National Planning Policy Framework guidance in respect to designated heritage assets including Listed Buildings and Scheduled Monuments which would allow the Council to ensure that such assets are appropriately assessed and that potential harmful impacts arising from new development are removed or mitigated or balanced against public benefit.

- 2.04 The Policy indicates that assessment criteria should be applied to new development adjacent to or which is *likely to affect the setting* of the City Walls designated as Scheduled Monuments. This wording will potentially draw in a substantial number of new developments, both major and minor, across a wide geographical area, for example if considered solely on the basis of the visual setting to the Walls. The wording should consider Historic England guidance on the concept of setting in heritage terms:

“Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” (our emphasis).

Historic England Good Practice Advice in Planning: 3 (2nd Edition): The Setting of Heritage Assets (Paragraph 9)

- 2.05 Given the importance of the wording in determining whether the Policy assessment criteria should be applied to new development it is recommended that it is re-worded to reference the ‘likely to affect the significance of the City Walls’ or ‘likely to affect the significance within the setting of the City Walls’. This wording will also ensure consistency with that of criterion I and iii of the Policy which set out the requirement to assess potential development impacts upon elements which contribute to the significance or setting of the City Walls.
- 2.06 Persimmon Homes agrees that where development may affect elements which contribute to the significance of the City Walls proposals should be accompanied by a Heritage Assessment which assesses impact upon significance and the six principle characteristics of the City

(criterion i). It also agrees that proposals should not cause harm to those elements, including key views, which contribute to significance and setting (criterion iii) and should be of high design quality and, where possible, enhance or reveal significance (criterion iv). These assessment criteria are consistent with National Planning Policy Framework and Historic England guidance.

2.07 Criterion iii of Policy D10 states that developments adjacent to of likely to affect the setting of the City Walls should “be designed to be no higher than the city walls externally and not reduce their dominance.” It is considered that this criterion is overly prescriptive, fails to consider the variation in the height and context/settings of the City Walls along its retained length, will prevent otherwise acceptable development or redevelopment being brought forward, and will be open to a number of potentially subjective interpretations.

2.08 In seeking to apply the criterion for development control purposes a number of immediate interpretative difficulties and questions will inevitably arise:

- Is the height of the City Wall and proposed development to be defined by reference to height above respective ground levels or as an above ordnance datum height?
- Is the relevant height to be taken by reference to the highest point of the Wall within the City or a point in proximity to or closest to the proposed development? If the latter should this reflect the highest point or a median figure, in which case how should the median be derived?
- Should the relevant height of the City Wall include the Bar gates/towers?
- Should distancing of the proposed development from the City Wall be a consideration in assessing the visual relationship and perception of heights?

2.09 The retained City Walls including the St. Mary’s Abbey Walls extend to around 3.4km and exhibit substantial variation in heights and height in relationship to surrounding development. This is reflected in the height of the wall itself and the height of the earthwork embankment on which it sits. Similarly, existing buildings, or various dates, in proximity to the City Walls varies in height from between 2 to 8-storeys and for much of its length these buildings rise above the height of the wall. A number of illustrative examples showing the Wall in context

are provided at Appendix 1 and illustrate that, for much of its length, historic and modern buildings within its setting are of a greater height.

- 2.10 Referencing the York Central Historic Core Conservation Area Appraisal (2012) the prevailing heights of buildings within the Area are no higher than 4-storeys but significant clusters of taller buildings exist to the north of Tanner Row (6-8 storeys) and along Piccadilly (6 storeys and higher) and these fall within the visual setting to the City Walls. A number of individual modern buildings, including the StayCity Aparthotel building on Barbican Road and Travelodge York Central building at the junction of Tower Street with Piccadilly, have also been built at scale and exceed the height of the City Wall within their local context.
- 2.11 The effect of criterion iii of Policy D10 will be to unreasonably restrict the potential redevelopment of sites and buildings in proximity to or within the wider setting of the City Walls. This would run contrary to advice set out in the Conservation Area Appraisal which recommends that new development should have regard to prevailing building heights within context rather than solely applying reference to the height of the City Wall. It would also be contrary to advice within the Appraisal that notes that redevelopment of buildings around Tanner Row, at a similar height to existing buildings, could be acceptable (Paragraph 5.8.4). It is also notable that the application of the criterion would prevent even 2-storey development in number of areas, including for example the redevelopment of 2-storey modern housing to the north side of the Wall between Walmgate Bar and the Fishergate Postern Tower.
- 2.12 The strict application of the criterion may also prevent viable development which could be regarded as enhancing the setting to the City Walls for example by replacing unsympathetic 20th century buildings such as the commercial buildings around Tanner Row, housing developments built in proximity to the inner walls and, within the wider visual setting of the Walls the redevelopment of buildings such as the Park Inn Hotel on North Street. This would run counter to the need to ensure that policies set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment.
- 2.13 As worded, the Policy, and particularly criterion iii, would also run contrary to National Planning Policy Framework guidance in respect to the consideration of proposals affecting designated heritage assets. The restrictive nature of the criterion would potentially prevent

or unduly restrain the viability of opportunities for new development which would positively contribute to local character and distinctiveness being brought forward (Paragraph 197). The Policy wording also fails to acknowledge circumstances where the public benefits of a development may outweigh potential areas of harm to the relevant asset.

- 2.14 On this basis Persimmon Homes consider that Criterion iii of Policy D10 is unduly restrictive, will be ineffective and problematic in terms of implementation and would potentially prevent enhancement opportunities through the redevelopment of sites in proximity to the City Walls. It is therefore recommended that the criterion be deleted.

APPENDIX 1

Plates



PLATE 1: Fishergate Postern Tower - Walmgate Bar
View east with 3-storey housing on Ancroft Close set to the north inner wall, left of image.



PLATE 2: Fishergate Postern Tower - Walmgate Bar
View east. Housing to the north reduces to 2-storeys to the south side of Long Close Lane built ridge heights still rise above the height of the City Wall. The StayCity aparthotel on Barbican Road, right of image, is built in 6-storeys.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 3: Fishergate Postern Tower - Walmgate Bar
View south-west. Housing on Long Close Lane steps up with land form to 3-storeys and Victorian development along Barbican Road is similarly taller than the City Wall at this point.



PLATE 4: Walmgate Bar - Red Tower
View north with recent housing development on Speculation Street to the west, left of image.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 5: Walmgate Bar - Red Tower
View south showing the earlier 20th century estate developments around St. Margaret's Terrace and Rosemary Court.



PLATE 6: Foss Bank - Monk Bar - Bootham Bar
View north of the Ware & Kay Solicitors building at the junction of Jewbury with Peasholme Green.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
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PLATE 7: Foss Bank - Monk Bar
View north-west. 3-storey modern housing to the west, left of image, part of estate development around Aldwark.



PLATE 8: Monk Bar - Bootham Bar
View south-east towards Monk Bar. Surrounding 19th century development rises above the City Wall.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 9: Monk Bar - Bootham Bar
View south-west towards Bootham Bar. Victorian development along the Precentor's Court to left of image.



PLATE 10: Marygate - St. Mary's Abbey Walls
View north-east from along Marygate.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 11: Marygate - St. Mary's Abbey Walls
View north-east along Marygate from its western end. The Wall at this point is retained at around 2 metres.



PLATE 12: Lendal Bridge - Micklegate Bar
View south-west with the Grand and Malmaison buildings to the left of image. Buildings on Tanner Row are largely in commercial use and rise to 6-8 storeys.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 13: Lendal Bridge - Micklegate Bar
View south-west. 4 and 5-storey residential development within the Hudson Quarter to the east.



PLATE 14:
View north-east towards the Minster with the Hudson Quarter developments to the right of image.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4



PLATE 15: Fishergate Postern Tower
View east towards the Postern Tower with the Travelodge hotel building to the foreground.

Plates

SITE: York City Walls and St. Mary's Abbey Walls
PROJECT: City of York Local Plan Matter 4