



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN  
2017-2033**

**PHASE 4 HEARINGS**

**MATTER 4: Placemaking, Design, Heritage and Culture**

**CITY OF YORK COUNCIL STATEMENT**

## **Matter 4 – Placemaking, Design, Heritage and Design**

### **4.1 Is Policy D1 soundly based as a general approach?**

4.1.1 Yes, Policy D1 (noting EX/CYC/58 PM24) supports good design which contributes positively to making places better for people, recognising the role of well-designed buildings and places in enabling higher social and environmental standards and improving the lives of people and communities. Good placemaking is a key driver of the Plan as a whole and D1 addresses design in the context of Placemaking.

4.1.2 The policy is soundly based:

- The Heritage Impact Assessment and Sustainability Appraisal (Appendix J, CD009c pdf from pg 73) note the positive effects of D1 on a number of SA objectives, including on the provision of quality housing to meet York's needs and on health and wellbeing through improved accessibility and connectivity.
- The policy is effective. The Council has worked closely with Historic England in developing the Plan. HE consider policy D1 sound, noting that it will help to ensure that the elements which contribute to the special character of the City are safeguarded and that development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.
- The policy is consistent with national policy, as is set out below.

4.1.3 A core planning principle in paragraph 17 of the NPPF2012 requires that planning should 'always seek to secure high quality design'. Policy D1 identifies five design points, specific to the characteristics of the city, which should be adhered to when developing proposals. These features are derived from the Heritage Topic Paper 2014 [SD103] and successful urban design principles.

4.1.4 NPPF2012 paras 58-60 guide aspirational design policy that promotes 'local distinctiveness' while avoiding unnecessary prescription or detail. Policies should be based on 'stated objectives for the future of the area and an understanding of its defining characteristics' (re para 58). Policy D1 is clear that proposals which fail to take account of York's special qualities, fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused (re para 64). The policy identifies that development proposals should not be a pale imitation of past architectural styles and should demonstrate the use of best practice in contemporary urban design and place making. Evidencing character is key to both the development of policy D1 and its application, and the policy's supporting text makes reference to key studies to aid understanding including the Heritage Topic Paper (HTP 2014, SD103), a short summary of which is included as Table 8.1, and a number of contemporary studies which support the Plan, and which should be drawn on to guide proposals for development, listed at para 8.3.

4.1.5 Proposed modifications to D1, set out in appendix 1, provide clarity to the application of policy.

#### **4.2 Is the approach to landscape and setting in Policy D2 soundly based?**

4.2.1 Yes, Policy D2 seeks to conserve and enhance landscape quality and character, and the public's experience of it. NPPF2012 para 109 guides policy to protect and enhance valued landscapes. The Sustainability Appraisal (CD008) notes the importance of the landscape to the historic setting of the city, as well as the amenity it provides for residents, and the policy is supported by Historic England.

4.2.2 Policy D2 is based on the principles of sustainable development contained within the NPPF (2012) and seeks to protect and enhance York's existing landscape character and quality. As such it also addresses interrelationships between landscape, biodiversity and climate change separate to those contained within policies GI1, GI2 and GI3.

4.2.3 Aside from Registered Parks and Gardens, which are subject to the provisions of policy D8, there are no designated landscape character areas within York's area. Further details regarding the assessed landscape character of the city are included within the Landscape Character Appraisal (1996) [EX/CYC/59a S.8] and North Yorkshire and York Landscape Character Project (2011) [EX/CYC/59a S.7]. These documents identify the specific features of the landscape around York and identify issues and make recommendations which underpin the requirements of policy D2.

4.2.4 Elements of design not covered in policy D1, related to landscape considerations, are covered in policy D2, reflecting again requirements in Section 7 of the NPPF (2012) to ensure good design and appropriate landscaping.

4.2.5 Proposed modifications to D2, set out in appendix 1, provide clarity to the application of policy.

#### **4.3 Does Policy D3 offer sufficient encouragement for new cultural facilities and protection for existing ones?**

4.3.1 Policy D3 acknowledges that cultural wellbeing is one of the core planning principles identified in the NPPF (2012, para 17). It also notes support for proposals which enable and promote the delivery of new cultural facilities or activities. Where proposals result in the loss of cultural facilities, development will not be supported. This importance of York's cultural provision is recognised in the Economic Strategy 2016-2020 [SD070]. The document highlights that the city has been named as a UNESCO City of Media Arts and the need to develop York's tourism and cultural offer.

4.3.2 To ensure compliance with the NPPF, strategic sites will need to demonstrate that future cultural provision has been considered, and a Cultural Wellbeing

Plan will be required with planning submissions. Details of the requirements for Cultural Wellbeing Plans will be identified through a future SPD.

- 4.3.3 D3 offers protection to existing facilities; policy is clear that development is supported where it does not cause the loss of existing cultural facilities.

#### **4.4 Is the way in which Policy D4 treats conservation areas and their settings, well founded?**

- 4.4.1 Yes, Policy D4 (noting EX/CYC/58 PM25) reflects NPPF2012 in supporting development which is designed to preserve or enhance the special character or appearance of a conservation area or its setting, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Applicants should describe the significance of any heritage assets affected, and that the information provided should be proportionate and sufficient to understand any impacts. Alongside existing evidence this enables the LPA to give proper consideration to the impact of a proposal on a heritage asset, in line with para 129.
- 4.4.2 Policy D4 seeks to provide a positive framework for development in conservation areas where proposals are designed to enhance the special character or appearance of those areas, or better reveal their significance (NPPF2012 para 137). This positive approach recognises the irreplaceable resource provided by our historic environment, allowing it to be conserved but also, ensuring that, where harm is identified, development is only permitted where public benefits are identified which outweigh that harm (paras 133 and 134).
- 4.4.3 The Sustainability Appraisal (CD008 paragraph 6.6.33) identifies the importance of York's built and historic environment to its economic success in the past and continuing to the future.
- 4.4.4 Noting the modifications proposed in appendix 1, the policy identifies a qualified support for changes of use within conservation areas, reflecting policy at paragraph 126 in the NPPF (2012) which indicates the desirability of sustaining the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 4.4.5 Detailed conservation area appraisals have been prepared for some areas, notably the Central Historic Core Conservation Area. The preparation of further appraisals will be guided by the criteria within policy D4 and supporting paragraph 8.24.
- 4.4.6 Proposed modifications to D4, as set out in appendix 1, reflect Historic England's advice to more closely align policy with the 1990 Act and NPPF2012. Text is repositioned to provide clarity to the policy's application.

**4.5 Is the manner that listed buildings and their settings are treated in Policy D5 sound?**

- 4.5.1 Yes, the approach taken by policy D5 follows NPPF2012 paragraph 126 in supporting development which is designed to preserve, enhance or better reveal the special character or appearance of a listed building or its setting. It also reflects the legal requirement of The Planning (Listed Buildings and Conservation Areas) Act 1990, which requires Local Planning Authorities to have special regard to desirability of preserving a listed building or its setting. Further, reflecting NPPF para 137, criterion i supports development within the setting of Listed Buildings which preserves, enhances or better reveals their significance.
- 4.5.2 The policy reflects NPPF requirements that applicants should describe the significance of any heritage assets affected, and that the information provided (through a heritage statement) should be proportionate and sufficient to understand any impacts. Alongside existing evidence this enables the LPA to give proper consideration to the impact of a proposal on a heritage asset, in line with NPPF2012 para 129.
- 4.5.3 Policy D5 seeks to provide a positive framework for proposals affecting listed buildings to better reveal those elements which contribute to the significance of the building or its setting. This positive approach recognises the irreplaceable resource provided by our historic environment, allowing it to be conserved but also, ensuring that, where harm to an element which contributes to the significance of a listed building is identified, development is only permitted where public benefits are identified which outweigh that harm (para 134). Where the policy identifies support to help secure sustainable futures for buildings at risk, this reflects NPPF2012's drive to sustain viable use consistent with their conservation.
- 4.5.4 The Sustainability Appraisal (CD008) (paragraph 6.6.33) identifies the importance of York's built and historic environment to its economic success in the past and continuing to the future.
- 4.5.5 Historic England supports the principle of Policy D5 which will help to ensure that development proposals conserve the City's listed buildings. Proposed modifications to D5, as set out in appendix 1, reflect Historic England's advice to more closely align policy with the NPPF2012 and provide clarity to its application. Text describing the role of building recording moved from policy D7, reflecting the primacy of D5.

**4.6 Does Policy D6 deal with archaeology in a way that offers sufficient protection?**

- 4.6.1 Yes, the policy seeks to protect and enhance archaeological deposits. The policy reflects NPPF requirements that applicants should describe the significance of any heritage assets affected, and that the information provided should be proportionate and sufficient to understand any impacts (para 128). Alongside existing evidence this enables the LPA to give proper consideration to the impact of a proposal on a heritage asset, in line with para 129.
- 4.6.2 As stated in policy D6, proposals should be accompanied by appropriate desk based assessments or, where necessary, intrusive and non-intrusive surveys. This mirrors the requirements of paragraph 128 of the NPPF (2012). The policy notes the importance of the archaeological deposits within the city and that this is reflected in the designation of much of the historic core as an Area of Archaeological Importance under the Ancient Monuments and Archaeological Areas Act 1979.
- 4.6.3 Paragraph 139 of the NPPF (2012) notes that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets. Policy D6 relates to both designated and non-designated features and deposits; this is reflected in paragraph 8.31 of the accompanying text to policy D6.
- 4.6.4 The policy acknowledges the need to balance the continued economic vitality of the city centre with the preservation in-situ of highly significant archaeological deposits.

**4.7 Is the approach of Policy D7 to non-designated heritage assets reasonable in the light of national policy?**

- 4.7.1 Yes, the policy takes the approach that proposals designed to sustain and enhance York's historic environment, including non-designated heritage assets, will be supported. A balanced judgement is required where the benefits of the development should outweigh the harm or loss having regard to the scale of the harm and significance of the asset. This directly follows the policy contained within paragraph 135 of the NPPF (2012).
- 4.7.2 The Sustainability Appraisal (CD008, para 4.13.11 and Table 5.1) notes that it is not only the designated heritage assets, but also the non-designated ones which contribute to the character of the historic city. The attractive and unique historic environment of the city is recognised to contribute to the economy, social and environmental functioning of the city. The policy seeks to balance protection of the city's non-designated heritage assets against any benefits associated with the proposal. Where works are proposed then appropriate building recording is required as per paragraph 141 of the NPPF (2012).

- 4.7.3 Historic England fully supports the thrust of policy (subject to modifications proposed, as set out in the appendix)
- 4.7.4 The Heritage Topic Paper (2014, SD103 paragraph 6.8) notes that there is not data on undesignated historically valuable and architecturally interesting buildings, streets and urban landscapes but that there is an ambition to establish a Local List. Policy D7 recognises this and states an intention to develop a Local Heritage List SPD to support this and to recognise the importance of York's locally important heritage assets.

#### **4.8 Are Historic Parks and Gardens properly dealt with by Policy D8?**

- 4.8.1 Yes, the policy complies with the NPPF2012 which includes registered parks and gardens under the definition of 'Designated heritage assets'. Harm to an element which contributes to the significance of a Registered Historic Park and Garden will only be allowed where it is outweighed by the public benefits of the proposal (re para134). Similarly, noting the proposed modification to D8 in appendix 1, policy reflects the 'balance' of harm set out in para 133.
- 4.8.2 The Heritage Topic Paper (2014, SD103 pg 61) notes the importance of the Registered Parks and Gardens in the city for heritage, cultural, biodiversity and recreational benefits, a character element key to the landscape and setting of the city. The Sustainability Appraisal (CD008. Para 6.3.33) further supports the policy's approach to assessing the significance of development proposals on such heritage assets, having a significant positive effect against SA objectives 14 (Historic Environment) and 15 (Natural and Built Landscape).
- 4.8.3 The text of the policy at paragraph 8.42 makes note that other undesignated parks and gardens are considered locally important by reason of their historic or design interest and the contribution they make to landscape quality and the character of the area. These are considered worthy of the same considerations as Registered Parks and Gardens. A modification is proposed to remove this text and make clear that such sites would instead be given protection under policy H7.
- 4.8.4 Historic England supports the policy which will help to ensure that development proposals conserve the City's Registered Historic Parks and Gardens.

#### **4.9 What is the basis for Policy D9?**

- 4.9.1 NPPF2012 para 141 requires that information about the significance of the historic environment should be made publicly available. The importance of York's historic environment is recognised in the Sustainability Appraisal (CD008 paragraph 4.13.4).
- 4.9.2 Policies D4, D5, D6, D7 and D8 all require that appropriate and proportionate assessment of the heritage asset and the impact of

development is undertaken. This is supported by NPPF2012 paragraph 128. Policy D9 provides the basis for ensuring that the information required for heritage statements is publicly accessible and up to date.

- 4.9.3 Historic England supports policy D9 which will ensure that the results from any archaeological assessments or investigations are deposited in the HER, to aid the understanding of the archaeology of York and assist in predicting the potential impacts of future development proposals across the City.

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

4.10.1 York City Walls and St Mary's Abbey Walls are scheduled monuments and Grade 1 listed buildings. Policy D10 seeks to ensure that the exceptional significance of these structures is protected and enhanced. The Walls are described throughout the Heritage Topic Paper (SD103) as of the City's most valuable landmark monuments, a structure of high cultural significance circumscribing the historic centre. It notes the important vantage points afforded by the city walls which connect the city with long distance views beyond, and with many of the City's monuments [SD103, pg 42 onwards].

4.10.2 Historic England wholeheartedly supports the inclusion of a policy to manage change in the vicinity of the City Walls.

4.10.3 Modification proposed to more directly reflect NPPF para 132-134, including the balancing of any harm against public benefits.

**4.11 Is the approach to the alteration and/or extension of existing buildings in Policy D11 soundly based?**

4.11.1 Yes, policy D11 is soundly based. The policy seeks to secure high quality design of proposals to extend or alter existing buildings (re NPPF2012 Section 7, esp. para 56), reflecting guidance that good design is a key aspect of sustainably development, is indivisible from good planning, and should contribute positively to making places better for people.

4.11.2 The policy is supported by the draft SPDs 'House extension and alterations' (SD047) and 'Subdivision of dwellings' (SD048) which provide detailed design considerations. The policy also reflects requirements of policy D1: Placemaking in terms of the response of extensions to local character and protection of amenity, as well as policy D4: Conservation Areas in relation to impacts on heritage assets, their setting and the character and appearance of Conservation Areas.

4.11.3 Historic England supports policy D11 which will help ensure that extensions and alterations to existing buildings take place in a manner which will safeguard those elements which contribute to the distinctive character of the City.

#### **4.12 Will Policy D12 effectively protect existing shop-fronts and secure acceptable new one?**

- 4.12.1 Policy D12 ties in with policy D1 in requiring good design which conserves and enhance the special qualities of the building and area (re NPPF2012, para 58), aiming to ensure that development functions well, adds to the quality of the area, establishes a strong sense of place and creates attractive and comfortable places to live, work and visit.
- 4.12.2 Survival of historic shopfronts in the central historic core is particularly high and these make an important contribution to the streetscape and historic interest of the main retail area. As such it is important to clarify expectations regarding the retention of existing high quality shopfronts and the need to enhance those of poorer quality. Further support is provided by policies D4, for shopfronts in Conservation Areas, and D5, for shopfronts on listed buildings.
- 4.12.3 The policy supports the aims of policies EC4: Tourism, in enhancing the built environment and policies R1, R2 and R3 (Retail) by enhancing the vitality of the identified shopping areas.
- 4.12.4 Historic England supports the policy, especially the protection given to the retention of high-quality or historic shopfronts, which make a valuable contribution to the distinctive character of their local area.

#### **4.13 Is Policy D13 an acceptable approach to advertisements?**

- 4.13.1 NPPF2012 para 67 notes that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Policy D13 follows this approach requiring that advertisements do not cause harm to visual or residential amenity of the character of the host building or appearance of the streetscene.
- 4.13.2 Policy includes specific considerations for illuminated advertisements in conservation areas and on listed buildings, which forms the basis for preserving the use of illumination as an exception rather than the dominant character on such occasions.
- 4.13.3 Paragraph 67 also allows for cumulative impacts to be taken and, following the Town and Country Planning (Control of Advertisements) Regulations 2007, notes that control should only be exercised in the interests of amenity and public safety. This wording is carried over into policy D13.
- 4.13.4 Historic England supports the policy which sets out a good framework for the control of advertisements, helping to ensure that any proposal safeguard the distinctive character of the City.

#### **4.14 Is Policy D14 an acceptable approach to security shutters?**

- 4.14.1 Policy D14 supports the use of suitably designed internal see-through shutters where other security measures have been demonstrated to be inadequate. In conservation area or on heritage assets, solid or external see-through shutters will not be supported except under certain circumstances.
- 4.14.2 The policy supports evidence in the Sustainability Appraisal CD008 which identifies that the attractive and unique historic environment contributes to and influences the economy, social and environmental functioning of the city. It notes that economic growth, new tourism and retail development could have adverse effects on the built environment without appropriate safeguards in place.
- 4.14.3 Given that the Central Historic Core Conservation Area covers much of the Primary Shopping Area, the controls are considered appropriate to comply with the objective of preserving or enhancing the character or appearance of the conservation area. The policy provides appropriate guidance on the circumstances in which security shutters might be acceptable and design parameters for those instances.
- 4.14.4 Historic England supports the policy which sets out a sound framework for the control of security shutters. Poorly designed shutters can considerably detract from the character of an area and its vitality. This policy should help ensure that the character of the City is maintained.

## Appendix 1 – Proposed Modifications

Note General modification to replace references to 'English Heritage' with 'Historic England'

### Section 8: Placemaking, Heritage, Design and Culture

- 8.1 Good place-making is the key driver of this plan. A Local Plan is a spatial planning policy, but spatial planning and the overall planning and making of 'place' are inseparable. Successful placemaking is a creative, practical, and continual process. It is underpinned by a holistic approach to community wellbeing that embraces health, economy, culture, and the environment. It requires leadership combined with clear and widely-owned policy and practice developed in partnership between a local authority and all of its stakeholders. It is typified by strong and ongoing community engagement, as well as professional involvement, in the planning, design and management of new and regenerated places. York is a unique place with special character. History has created one part of this character, and the city's historic built and historic environment is of outstanding quality. The other part of York's specialness is its expression of contemporary culture and its aspiration. Our vision is for a city dedicated to innovation melded seamlessly with its heritage and expressed through a future-oriented culture of creativity, entrepreneurship, and learning.
- 8.2 This integration of past and future, of tradition and innovation has been central to York's economic success in the past and will continue to be so in the future. York's special characteristics are key benchmarks when considering the quality of future development and the contribution it will make to the city's social, economic, environmental and cultural wellbeing. Development proposals should be of high design standards at all scales- from masterplanning to individual building and open space design. To complement this legacy these developments should not attempt to ape the past but instead should simply be based on good design. Good design should be fit for purpose, sustainable, efficient, coherent, flexible, responsive to context, attractive and a clear expression of the requirement of a particular brief. It should seek to add to the city's overall cultural quality as a place, and also enhance its cultural capacity, its ability to create opportunities for cultural creation, expression, learning, sharing, and enjoyment. Good design can be demonstrated through engagement in peer-review design panels and meaningful public engagement and this will be encouraged and supported.
- 8.3 Good placemaking and design and the cultural identity that arises from them starts with a clear understanding of what makes the city and its surrounding villages. There are a number of existing studies that will assist the process of analysing character and significance, and they should always be used to guide development proposals. These include Conservation Area Character Appraisals and Statements, the City of York Streetscape Strategy and Guidance (2014), the 2014 review of the 'York Development and Archaeology Study', the Heritage Topic Paper Update

(2014) the City of York Historic Environment Characterisation Project (2014), York New City Beautiful (2010). Further studies may need to be considered as appropriate in the future. Reference should also be made to the background studies referred to in Section 9 'Green Infrastructure' and Section 10 'Approach to Managing Appropriate Development in the Green Belt' and, where relevant, village design statements and neighbourhood plans. A cultural strategy for York **is has also been developed (York's Creative Future, 2020-2025) currently in development.**

- 8.4 The Council's Heritage Topic Paper Update (2014) sets out to define characteristics that are of strategic importance to the significance of York and are key considerations for the enhancement and growth of the city. Detailed descriptions of these characteristics can be found in the Heritage Topic Paper. These characteristics are listed (in short) in Table 8.1 below and they provide an underlying shape to the reasoning and structure of this section.
- 8.5 In meeting the policy requirements of this section, applicants will be required to describe the significance of heritage assets likely to be affected by development, including any contribution made by their setting, most likely set out in a supporting Heritage Statement. The extent of such an appraisal should be proportionate to the asset's importance and no more than is sufficient to understand the impact of the proposal on its significance. The Council will also want to understand how the city's culture and cultural capacity will be affected by developments. Applicants in appropriate developments will be required to submit a Cultural Wellbeing Plan.

**Table 8.1 Heritage Topic Paper Summary of Six Principle Characteristics**

<b>Key Characteristic</b>	<b>Comment</b>	<b>Primary Design Policy Link(s)</b>
1. "Strong Urban Form"	<i>The remarkable surviving evidence of 2000 years of urbanism should be preserved and enhanced</i>	D1, D2
2. "Compactness"	<i>The city is walkable and the centre is accessible by cycle and foot with relative ease.</i>	D1, D2
3. "Landmark Monuments"	<i>Buildings of high cultural significance or common value remain highly legible within the everyday fabric of built form.</i>	D3, D5, D10,
4. "Architectural Character"	<i>A rich diversity of age and construction and a wealth of detail</i>	D1, D3, D4, D5, D7, D9, D10, D11, D12, D13
5. "Archaeological Complexity"	<i>Archaeological deposits can be found throughout the City of York area. The urban evolution of the city gives structure to its subsequent development and this process continues to the current day. Remaining archaeological features and deposits are finite and fragile.</i>	D6, D9, D10
6. "Landscape and Setting"	<i>A range of features of natural, historical, and cultural significance contribute to the special qualities of the local landscape.</i>	D2, D7, D8

<p><i>Footnote: "Future Characteristics"</i>  <i>In some cases the growth of the city area will result in the development of new areas with a change in the current use and overall character of a place, creating opportunities for new quality and characteristics of York to emerge. National and international best design practice, as well as the Heritage Topic Paper, should guide these.</i></p>	<p>D1, D3</p>
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## Policy D1: Placemaking

Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that:

- fail to take account of York's special qualities, **and/or**
- fail to make a positive design contribution to the city, **and/or**
- cause damage to the character and quality of an area will be refused.

**Where appropriate**, development proposals should adhere to the following detailed design points:

### i. Urban Structure and Grain

- enhance, respect and complement the historic arrangement of street blocks, plots and buildings, where possible restoring old patterns of urban grain where these have been damaged or obscured.
- enhance and complement the character and appearance of landscape, city parks, landforms, open space, planting and boundary treatment.

### ii. Density and Massing

- demonstrate that the **resultant proposed massing and** density of a development **proposal** will be appropriate for its proposed use and neighbouring context.
- demonstrate that the combined effect of development does not dominate **its wider setting, including** other buildings and spaces, paying particular attention **to those of historic significance**. **adjacent buildings or parks of architectural or historic significance.**

### iii. Streets and Spaces

- promote ease of public pedestrian and cyclist movement and establish natural patterns of connectivity with the fabric of the city. Spaces and routes must be attractive, safe, and uncluttered and clearly prioritise pedestrians and cyclists over vehicles.
- promote legibility through development by providing recognisable routes, hierarchy of routes, intersections, incidental spaces and landmarks.
- are designed to improve the quality of the public realm and the wider environment for all.
- provide a pattern of continuity and enclosure, dependant on circumstances, to reflect the need for different types of space for different

types of activity including clearly defining private from public space, and mediate between the two.

- designed to reduce crime and the fear of crime and promote public safety throughout the day and night.

#### iv. Building Heights and Views

- respect York's skyline by ensuring that development does not **deduct from challenge** the visual dominance of the Minster or **harm** the city centre roofscape.
- respect and enhance views of landmark buildings and important vistas.

#### v. Character and Design Standards

- ensure proposals are not a pale imitation of past architectural styles.
- ensure appropriate building materials are used.
- meet the highest standards of accessibility and inclusion.
- demonstrate the use of best practice in contemporary urban design and place making.
- integrate car parking and servicing within the design of development so as not to dominate the street scene.
- create active frontages to public streets, spaces and waterways.
- create buildings and spaces that are fit for purpose but are also adaptable to respond to change.
- create places that feel true to their intended purpose.
- maximise sustainability potential.
- ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

See also Policy CC2

### Explanation

#### Urban Structure and Grain

- 8.6 Where development is proposed outside of a clearly defined pre existing urban context a less obvious but equally important context still exists: existing landscape features such as topology or field boundaries can provide a framework for the grain and urban structure of new development plots- often a process of intensification of existing patterns of movement and connectivity. The study of adjacent settlements and/or patterns of habitation in the area should be undertaken. This is particularly important as the scale of new development increases and completely new 'places' are created. For these, national best practice for contemporary placemaking for new settlements or urban extensions must be considered.

#### Density and Massing

- 8.7 It is important to communicate the suitability of density proposals in a way that is most easily understood. This can often be difficult for large developments where flexibility is sought at a masterplanning stage. Applications will be encouraged that communicate this through graphical representation (in addition to standard accepted numerical methodologies) through potential plots studies and precedent images. Overall, density should not be applied in an overly uniform way- it should comprise a

variety of spatial types. The intensity of development should generally follow the existing pattern of density, but within it should be open amenity spaces. (In particular, conversions into flats or houses should provide satisfactory levels of amenity for future occupiers). Conversely higher density spots to aid wayfinding and the readability of spaces might be desirable. This should be interpreted together with Building Height and Views section below. Whilst zoning is a useful illustrative concept, density should not be overly use-zoned and should demonstrate a suitable mix of uses, albeit that there is likely to be a predominant use for each different area.

### **Streets and Spaces**

- 8.8 Development proposals that provide opportunities to promote the enhancement of, or creation of, public space will be supported. Reference should be made to the council's policies on public streets and spaces particularly ensuring that development proposals support the principles set out in the **National Design Guide: Manual for Streets. The Council's** City of York Streetscape Strategy and Guidance (2014) **contains useful guidance, particularly relevant to York's City Centre**. The use and enjoyment of streets and spaces are affected by how empowered people feel to engage in these spaces, through cultural, every leisure and economic activity. Private spaces should feel completely private places they can relax in. Public spaces should feel like genuine public spaces that are welcoming and belong to everyone. Semi private space, especially in housing developments, needs extreme care in design so immediate neighbours can have a sense of their collective ownership and even stewardship. Consideration should be given to Secured by Design principles whilst balancing the need of urban design principles such as attractive connected streets and spaces.

### **Building Height and Views**

- 8.9 Development should demonstrate a detailed evidence based understanding of landscape setting including key views so that development proposals respond positively to local building height and massing character and landscape context. Designs should also integrate roof-top plant into the overall building design avoiding visually detracting roof top plant. Reference should be made to the city's key views as defined in the York Central Historic Core Conservation Area Appraisal (2011) key views analysis. Opportunities for creating or revealing new public views should also be considered. For new landmarks and buildings that stand higher than the surrounding townscape to be considered acceptable they will normally be expected to have a particular high cultural significance or common value<sup>1</sup>. In addition, the taller and more prominent a building, the higher will be the council's expectations over its quality.

### **Character**

- 8.10 A proposal should demonstrate an understanding of rhythm and/or balance of compositional design. Suitable building materials should be carefully chosen for their texture, colour, pattern, source and durability, and durable construction techniques and elements of detailing should be chosen. For larger scale developments, where development is at a high level masterplan stage, there should be a clear vision of the type of place it aspires to become in sufficient detail to guide the direction of future

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<sup>1</sup> Such as pertaining to cultural, religious or governmental uses rather than everyday uses such as residential.

plot build out proposals. Use of a design code setting out parameters may be required whilst providing enough flexibility for uncertain future conditions. The way a building will be used should be considered so as to locate commercial servicing in less sensitive places within a development and to prevent parked cars from dominating the street scene. This needs to be balanced to prevent unrealistic expectations leading to abuse, and the development should physically prevent unplanned undesirable use through subtle good design measures. Buildings should also be adaptable so as to facilitate retention. Large scale developments should not inherently prevent their adaptability - the creation of development blocks and open streets are proven durable formats and will be supported.

### **Design Standards**

- 8.11 As part of its commitment to good place-making, the Council is committed to and expects design excellence. There are many UK guides to best practice. The publication of these guides will be ongoing over the course of the Local Plan period. However, they are often still relevant several years after publication and only superseded where directly stated by future publications. Design proposals should be based on best practice and where this can be demonstrated it will support the desirability of the proposal. Current examples are Lifetime Neighbourhoods (DCLG); ~~Building for Life Principles (Design Council)~~ **Building for a Healthy Life (Homes England)**; Urban Design Compendium (English Partnerships and The Housing Corporation); By Design (DETR & CABE); Conservation Principles Policies and Guidance (English Heritage) **and the National Design Guide (MHCLG)** to name a few. On culture and the arts, the Town and Country Planning Association's 'Practical Guide 6 'I'd love to live there?' Planning for culture and the arts', aimed at new communities but broadly applicable, may be useful.

### **Delivery**

- Key Delivery Partners: City of York Council; developers and ~~English Heritage~~ **Historic England**.
- Implementation: Planning applications; and adopted/ publishes council guidance such as Conservation Area Appraisals

## Policy D2: Landscape and Setting

Development proposals will be encouraged and supported where they:

- i. demonstrate understanding through desk and field based evidence of the local and wider landscape character and landscape quality relative to the locality, and the value of its contribution to the setting and context of the city and surrounding villages, including natural and historic features and influences such as topography, vegetation, drainage patterns and historic land use;
- ii. **conserveprotect** and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities;
- iii. demonstrate a comprehensive understanding of the interrelationship between good landscape design, bio-diversity enhancement and water sensitive design;
- iv. create **or utilise** opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces;
- v. recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and **York's** other important character elements, and retain them in a respectful context where they can be suitably managed and sustained;
- vi. take full account of issues and recommendations in the most up to date York Landscape Character Appraisal;
- vii. include sustainable, practical, and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes;
- viii. create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent open space, garden or street. In this respect consideration will **be** also be given to function and other factors such as the size of mature trees; and
- ix. avoid an adverse impact on intrinsically dark skies and landscapes, townscapes and/or habitats that are sensitive to light pollution, keeping the visual appearance of light fixtures and finishes to a minimum, and avoiding light spill.

**See also Policy GI1, GI2 and GI3**

### Explanation

- 8.12 Landscape and setting is a principal characteristic of York which includes the strays and lngs that penetrate the urban fabric and the village greens and burgage plots that inform a village structure.
- 8.13 Where environmental impact assessments are required, the City of York Council will expect evidence based landscape assessments to follow the latest edition of the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment. Background studies should also reference the most up to date Landscape Character Appraisal for York and **English Heritage's Historic England's** the Setting of Heritage Assets (2011) as well as conservation area appraisals, village design statements and neighbourhood plans where they exist.
- 8.14 The European Landscape Convention (ELC) created by the Council of Europe and signed by the UK government in 2006, applies to all landscapes, towns and villages and open countryside, including ordinary landscapes and even downgraded landscapes, as well as those that are afforded protection. The ELC defines

landscape as “an area, as perceived by people, whose character is the result of the action and interaction of natural and / or human factors” (Council of Europe 2000). It highlights the importance of protecting, managing, planning and creating landscapes; and encourages a wider understanding and appreciation of landscapes, improved knowledge and care, as well as a sense of inspiration, well-being and connection between people and place. Every landscape has value.

- 8.15 The term ‘landscape’ includes both the built and open landscapes of the urban, suburban, and rural environment, streetscapes, and roofscapes. Landscape character is formed by a number of factors, such as topography, vegetation, land use, drainage, materials and buildings. It is important that a thorough understanding of the existing landscape features, character and quality is attained at a very early stage in order to appropriately inform the design process.
- 8.16 Trees are a recognised heritage asset. They can individually or as a group, constitute a significant landscape element, e.g. a specimen tree in a square, or an avenue of trees; and they can contribute to the setting of conservation areas and/or listed buildings. Trees also form an important element of the authority’s green infrastructure and are covered in Section 9 ‘Green Infrastructure’.
- 8.17 Elements such as street layout, architecture, materials, gardens, forecourts, verges, incidental spaces, village greens, boundary treatments, trees and other vegetation, lighting and street furniture can considerably influence landscape quality. Detailed landscape schemes will be required as part of development proposals since these are significant factors in the aesthetic and functional quality and success of a development, it’s assimilation into the landscape context and its contribution to the character and perceived quality of the greater area.
- 8.18 Landscape and setting and landscape design are often interlinked with influences such as drainage and ecology not covered in this section, therefore reference should also be made to other related sections in the plan, in particular Section 9: Green Infrastructure.

### **Delivery**

- Key Delivery Partners: City of York Council; developers and Historic England.
- Implementation: Planning applications; and Landscape Character Appraisals

## Policy D3: Cultural Provision

Cultural wellbeing is identified as one of the twelve core planning principles underpinning both plan-making and decision-making in the National Planning Policy Framework. Development proposals will be supported where they are designed to sustain, enhance, and add value to the special qualities and significance of York's cultural character, assets, capacity, activities, and opportunities for access.

- i. Development proposals will be supported where they:
  - enable and promote the delivery of new cultural facilities and/or activities and services such as permanent and temporary public arts;
  - provide facilities, opportunities, and/or resources for cultural programmes and activities, during and/or after the development period;
  - do not cause the loss of cultural facilities, activities, or services; and
  - do not cause the loss of venues or spaces, including in the public realm, that deliver cultural opportunities, activities, or services.
- ii. Development proposals for all strategic sites will need to demonstrate that future cultural provision has been considered. This assessment should be included in a Cultural Wellbeing Plan, describing how the four criteria of above in (i) are satisfied.

**See also Policy D1 and CF1**

- 8.19 Culture can and does contribute positively to York's local character by responding to the underlying structure, distinctive patterns and forms of development and local culture. Development should deliver a multi-functional public realm comprising streets and spaces that can accommodate a range of appropriate arts and cultural uses and activities both now and in the future, providing animation, vitality and inclusion. Major development schemes and significant schemes at whatever scale should also enable the delivery of permanent and temporary public arts, promoting a multi-disciplinary approach to commissioning artists in the design process itself as part of design and masterplanning teams. Facilities and resources, including funding, for arts and cultural activity both within and beyond the development period itself (for example via a legacy trust), will also be supported.
- 8.20 Arts and Cultural facilities add value and support to community participation, wellbeing and development. The City of York's residents demonstrate pride in their cultural diversity. The City of York is keen to protect these capacities to engender community cohesion and civic pride. As part of good place-making, cultural quality, assets, and opportunities can also add to the attractiveness and value of development schemes.
- 8.21 When a new arts and cultural facility or programme is required, it should be accessible for local residents as well as visitors, and be a place where cultural diversity can be explored and enjoyed. Furthermore, to build on existing opportunities, proposed developments which have a significant impact, at whatever scale and those directly related to the cultural industries, will be required to contribute towards enhancing public realm through the promotion of the public arts,

cultural diversity and provision of additional facilities and activities where appropriate.

8.22 In the defining, promoting and facilitating of cultural wellbeing, the Council will seek to work in partnership with developers, stakeholders, and the arts and cultural sector to sustain and enhance York's cultural capacity and character. The Council will produce an SPD outlining the requirements of the Cultural Wellbeing Plan.

**Delivery**

- Key Delivery Partners: City of York Council, Developers, infrastructure delivery partners; Make it York, the Guild of Media Arts and community groups.
- Implementation: Planning applications.

## Policy D4: Conservation Areas

Development proposals within or affecting the setting of a conservation area will be supported where they:

- i. **are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area;** ~~are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;~~
- ii. **would enhance or better reveal its significance or would help secure a sustainable future for a building; and**
- ii-iii. **safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views.** ~~respect important views; and~~
- iii. ~~are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.~~

Outline ~~p~~Planning applications for development within or affecting the setting of conservation areas will only be supported if **full design details are included**, sufficient to show the likely impact of the proposals upon the **significance character and appearance** of the Conservation Area **are included**.

~~Changes of use will be supported when it has been demonstrated that the primary uses of the building can no longer be sustained, where the proposed new use would not significantly harm the special qualities and significance of the conservation area.~~

Harm to buildings, **plot form**, open spaces, trees, views or other elements which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Conservation Area will be permitted only where it can be demonstrated that the **harm or loss is necessary to achieve** ~~proposal would bring~~ substantial public benefits **that outweigh that harm or loss**.

Changes of use will be supported when it has been demonstrated that a **beneficial current primary** use of the building can no longer be sustained, where the proposed new use would not significantly harm **the prevailing character of the area**. ~~the special qualities and significance of the conservation area.~~

**Applications should be** ~~are~~ accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

### Explanation

- 8.23 Conservation areas are defined as 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' in the

Planning (Listed Buildings and Conservation Areas) Act 1990. This Act affords them statutory protection. They are designated by the Local Authority, normally with public support, in recognition of their special value in the local context. A list of conservation areas, along with their boundary maps, character appraisals or statements, is available via [www.york.gov.uk](http://www.york.gov.uk).

8.24 **The 'special interest' (special qualities and significance) that justifies a brief description of the reasons for designation of conservation areas designation is set out in designation statements prepared by the City of York Council. More detailed character appraisals have been prepared for some conservation areas. The Local Authority will prioritise the preparation of conservation area appraisals guided by the following criteria:**

- When major development sites affect conservation areas, the Council will expect development proposals to be preceded by the preparation of conservation area appraisals. Appraisals should be commissioned by the applicant in consultation with the Local Authority and carried out by appropriately qualified individuals or organisations following **English Heritage Historic England** guidelines.
- Land-holders with conservation areas within their estates will be encouraged to commission appraisals to better inform management of the estate and to enable future developments to reinforce its special qualities.
- Appraisals should be prepared when neighbourhood plans are being developed which affect conservation areas.

8.25 **The character of a conservation area is not only formed by buildings and spaces, but also by the land uses - the resultant activities, their characteristic patterns and forms and the ambience they create. It is important that applications ensure the special qualities and significance of the place are not harmed. Conversion schemes should seek to sustain characteristic uses and preserve or enhance architectural and historic character.**

Whilst it is the quality and interest of an area as a whole which is recognised through designation, it is often the cumulative impacts of small changes over time which erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.

8.26 **Whilst it is the quality and interest of an area as a whole which is recognised through designation, it is often the cumulative impacts of small changes over time which erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.** The character of a conservation area is not only formed by buildings and spaces, but also by the land uses - the resultant activities, their characteristic patterns and forms and the ambience they create. It is important that proposed changes of use identify opportunities for enhancement as well as ensuring the special qualities and significance of place are not harmed. Conversion schemes should respect the scale, proportion, material and detail of original character.

**8.26a When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.**

8.27 Permission for the demolition of structures and buildings which make a positive contribution to the conservation area will be exceptional and where permitted, will not take place until a contract for implementing redevelopment and/or restoration of the site has been agreed and planning permission for those works has been obtained.

### **Delivery**

- Key Delivery Partners: City of York Council, parish councils, major land owners and developers. .
- Implementation: Planning applications; and Conservation Area Appraisals

## Policy D5: Listed Buildings

Proposals affecting a Listed Building or its setting will be supported where they:

- i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. **The more important the building, the greater the weight that will be given to its conservation;** and
- ii. help secure a sustainable future for a building at risk.
- iii. ~~are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.~~

Changes of use will be supported where it has been demonstrated that ~~the original use of the building is no longer viable and where~~ the proposed new use **of the building** would not harm its significance.

Harm to ~~an element which contributes to~~ the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Listed Building will be permitted only where it can be demonstrated that the **substantial harm or loss is necessary to achieve** proposal would bring substantial public **benefits that outweigh that harm or loss, or all of the following apply:**

- **the nature of the heritage asset prevents all reasonable uses of the site; and**
- **no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- **conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- **the harm or loss is outweighed by the benefit of bringing the site back into use..**

**Applications should be** accompanied by an appropriate, evidence based heritage statement, ~~assessing the significance of the building.~~ **sufficient to understand the potential impact of the proposal on the significance of the building.**

### Explanation

- 8.28 Listed buildings are irreplaceable heritage assets which are recognised as being of special architectural or historic interest in the national context. They are identified on the National Heritage List for ~~England held currently by the Department for Culture, Media and Sport~~. Buildings on the list enjoy statutory protection through the Planning (Listed Buildings and Conservation Areas) Act 1990. Protection extends to the whole building, inside and outside, its curtilage and certain structures within its domain. The majority of works to listed buildings require listed building consent (in addition to any other consent required through planning legislation), including fittings, attachments and any decorative schemes of special significance.
- 8.29 Applications should be supported by a heritage statement, **prepared using appropriate expertise where necessary**, which includes a statement of significance proportionate to the scale and nature of the proposed works, covering the following:

- analysis of the significance of the building relevant to the areas of proposed change. This should convey an understanding of the heritage value. It should be noted that the official list description is not a statement of significance (refer to Historic England's Conservation Principles Policies and Guidance (2008) for further information);
- an assessment of the impact of development proposals on the special interest (significance and values) of the building;
- an explanation of why the proposed works are desirable or necessary; and
- where proposals ~~would appear to~~ cause harm to significant aspects of the building, why less harmful ways of achieving desired outcomes have been discounted or are undeliverable. The greater the harm the stronger the justification should be.

8.30 Minor repairs to listed buildings do not require consent if they are carried out to a high standard of workmanship using materials and techniques that match the original. Repairs that would depart from this approach will usually require consent. **Guidance from the Local Planning Authority should always be sought on the need for consent.**

**8.30a Where a development will comprise works to a heritage asset then building recording will be required. Building recording may comprise detailed archaeological survey or a photographic record, depending upon the significance of the heritage asset and the nature of the works proposed. The survey must be undertaken by a suitably experienced professional in accordance with a Written Scheme of Investigation approved by the Local Planning Authority and to the relevant Historic England and Chartered Institute for Archaeologists Standard and Guidance. The results of the building recording will be deposited with the City of York Historic Environment Record. Significant findings will also be formally published in order to make the information publicly accessible and to advance understanding**

**8.30b When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.**

## Delivery

- Key Delivery Partners: City of York Council, building owners and tenants and preservation trusts, **Historic England**
- Implementation: listed building consent planning applications;-heritage statements conservation management plans.

## Policy D6: Archaeology

Development proposals that affect archaeological features and deposits will be supported where:

- i. they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present;
- ii. they will not result in harm to **an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other national important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.** ~~the significances of the site or its setting;~~
- iii. they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and
- iv. **the impact of the proposal is acceptable in principle and** ~~harm to archaeological deposits is unavoidable,~~ detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

### Explanation

- 8.31 The deep, wet, anoxic sub-surface archaeological features and deposits within the historic core of the City of York are designated as an Area of Archaeological Importance under the Ancient Monuments and Archaeological Areas Act 1979 and are of international importance and significance. The vast majority of these archaeological deposits are of equivalent significance to scheduled **ancient** monuments. Within the historic core, substantial harm is defined as greater than 5% disturbance to **the most significant** buried archaeological deposits through foundation design and infrastructure development as described in the York Development and Archaeology Study (1990). Within the historic core, substantial harm to nationally-important remains will be permitted only where **it meets this target and up to 95% of the most important deposits remain preserved in-situ or** where it can be demonstrated that the proposal would bring substantial public benefits **considered to outweigh the archaeological harm caused**. This policy approach has been adopted to ensure both the continued economic vitality of the city centre and the preservation in-situ of these highly significant deposits. In all other parts of the City of York, substantial harm to or loss of designated or undesignated features or deposits of national importance will be permitted only where this is outweighed by the public benefits of the proposal.

**8.31a Harm to archaeological features and deposits of less than national importance will be considered against the benefits of the proposal and the significance of the archaeology.**

**8.31b Should a proposal include an area which has already been subject to piling and/or has been partially excavated every option to preserve the remaining archaeological resources in-situ should be explored. This should include the consideration of re-use of existing foundations where possible, including piles.**

8.32 The important and complex picture of the development of human settlement and exploitation in the City of York area is constantly being amended and elaborated as a result of archaeological investigations and research. Understanding this picture and the significance of these assets, both designated and undesignated, are fundamental to their conservation, enhancement and management. Development proposals will always need to be accompanied by a heritage statement that is proportionate to the size and impact of development proposals and the nature of archaeological evidence. In all circumstances the City of York Historic Environment Record (HER) must be consulted and advice and guidance sought from the council's historic environment specialists. The significance and value of archaeological remains must always be appropriately assessed as part of a statement of significance drawn up with reference to Historic England's Conservation Principles, Policies and Guidance (2008), which the Council considers to be appropriate guidance on this matter. The heritage statement may also need to be accompanied by the results of more detailed analysis involving building assessment, deposit monitoring, including characterisation of waterlogged deposits and their hydrological setting, below ground evaluation and documentary research. The Council will expect the heritage statement to examine the potential impacts of development proposals on significance and value using appropriate evidence and analysis. Where harm to archaeological features and deposits is unavoidable, development proposals will be expected to provide detail on appropriate mitigation measures agreed with City of York Council. Where development sites contain deep, wet, archaeological deposits, these mitigation measures may include provision for installation of and data recovery from deposit monitoring devices. Where mitigation measures include physical excavation of deposits, provision must include adequate resources for excavation, analysis, publication, and archive deposition **with the Yorkshire Museum**. Development proposals will also be expected to demonstrate the public benefits including community engagement, and lasting educational value through research, publication and display. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

8.33 Copies of all heritage statements and reports on archaeological interventions, whether pre- or post determination of an application, must be deposited with the City of York HER. Physical interventions into heritage assets through standing building assessment or below ground archaeological investigations should be led by appropriately qualified individuals and organizations preferably accredited by nationally recognised professional institutes or organizations.

8.34 On some sites, discoveries made during archaeological evaluations or excavations may create opportunities for the permanent display of features, structures and finds.

Such displays can deliver significant public benefit and add value to the finished development. Where such circumstances arise, City of York Council will encourage developers to incorporate features, structures, finds and displays into the finished development.

**8.34a** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

### **Delivery**

- Key Delivery Partners: City of York Council; developers and Historic England
- Implementation: Planning applications; and heritage statements

## Policy D7: ~~The Significance of~~ Non-Designated Heritage Assets

Development proposals **affecting a non-designated heritage asset or its setting** will be **encouraged and** supported where they **conserve those elements which contribute to its significance.**

The significance of non-designated heritage assets and their settings should be assessed in development proposals against the following criteria, namely the:

- special architectural or vernacular interest; and/or
- townscape and landscape significance; and/or
- historic interest; and/or
- artistic significance; and/or
- archaeological significance; and/or
- age and rarity; and/or
- community significance.

Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset.

Prior to the demolition, alteration, extension or restoration of heritage assets ~~(both designated and non-designated)~~ appropriate building recording relevant to the asset's significance and the scope of works will be undertaken.

### Explanation

8.35 The National Planning Policy Framework (2012) encourages Local Authorities to consider the significance of **non-designated** all heritage assets. ~~The concept of describing and appraising the significance of listed buildings, conservation areas and other 'designated assets' is longstanding in legislation and guidance, and is to be protected through the application of other policies in this section.~~ **There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes, conservation area appraisals and reviews and as part of the decision-making process on planning applications.** This policy ~~however~~ provides clear local criteria to **identify non-designated heritage assets and** help guide development decisions, enabling applicants and decision makers to better understand what is meant by 'significance' in relation to local non-designated heritage assets and their settings. Any development proposals that relate to non-designated heritage assets and their settings must be accompanied by an assessment of their significance in line with the criteria in Policy D7.

8.36 Where a development will comprise works to a ~~designated or~~ non-designated heritage asset ~~then~~ building recording **will may** be required. ~~Building recording may comprise detailed archaeological survey or a photographic record, depending upon the significance of the heritage asset and the nature of the works proposed. The survey must be undertaken by a suitably experienced professional in accordance with a Written Scheme of Investigation approved by the Local Planning Authority and to the relevant Historic England and Chartered Institute for Archaeologists Standard~~

~~and Guidance. The results of the building recording will be deposited with the City of York Historic Environment Record. Significant findings will also be formally published in order to make the information publicly accessible and to advance understanding.~~

8.37 City of York Council ~~worked~~ ~~has been working alongside~~ ~~with~~ a local community group (York Open Planning Forum) to establish a set of criteria to appraise and help establish a Local Heritage List for York, ~~which form the basis for the stated policy~~ ~~criteria~~. Local Heritage Assets contribute to York's special character, significance and sense of place, as defined in the Council's Heritage Topic Paper Update (2014).

8.38 The policy will be supported by a Local Heritage List Supplementary Planning Document, its aims and objectives are to:

- recognise the importance of York's locally important buildings, monuments, sites, places, areas and landscapes to York's special character and significance;
- add to the local community's knowledge and enjoyment of their historic environment;
- promote the conservation, repair and enhancement of local heritage assets;
- encourage owners, and the wider community, to take pride in the care and conservation of local heritage assets, for the benefit of present and future generations; and
- promote good design for development affecting local heritage assets that is appropriate to their special character and local significance.

### **Delivery**

- Key Delivery Partners: City of York Council; developers; and community groups,
- Implementation: Local Heritage List for York Supplementary Planning Document

## Policy D8: Historic Parks and Gardens

Development proposals affecting a registered historic park and garden or their wider setting will be supported where they:

- i. do not harm the layout, design, character, appearance or setting of the park or garden, or key views into or out from the park;
- ii. are sensitive to the original design intention and subsequent layers of design and the functional evolution of the park or garden and do not prejudice any future restoration.
- iii. would enhance or better reveal the significance of the Historic Park and garden or would help to secure a sustainable future for a feature within it.

Harm to an element which **contributed contributes** to the **significant significance** of a Registered Historic Park and Garden will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Registered Historic Park and Garden will be permitted only where it can be demonstrated that the **harm or loss is necessary to achieve proposal would bring** substantial public benefits **that outweigh that harm or loss**.

See also Policy GI and GI2

### Explanation

- 8.39 The City of York contains **four six** sites on Historic England's register of historic parks and gardens. These are Museum Gardens (Grade II), Rowntree Park (Grade II), York Cemetery (Grade II\*), **The Retreat (Grade II), University of York Campus West designed landscape (Grade II)**, and ~~the grounds of Moreby Hall are also included in the register~~, a small portion of which lies within the City of York, but the vast majority of it lies within Selby District.
- 8.40 Historic England must be consulted on development proposals that affect a Grade I or II\* listed park or garden. **The Gardens Trust Garden History Society** should be given the opportunity to **advise advice** on development proposals that affect a registered park or garden of any grade.
- 8.41 Applications should be supported by a heritage statement which includes a statement of significance proportionate to the scale and nature of the proposed works, covering:
- analysis of the significance of the park or garden relevant to the areas of proposed change. This should convey an understanding of the heritage value. It should be noted that the official list description is not a statement of significance;
  - an assessment of the impact of development proposals on the special interest (significance and values) of the park or garden;
  - an explanation of why the proposed works are desirable or necessary; and
  - where proposals appear to cause harm to significant aspects of the park or garden, why less harmful ways of achieving desired outcomes have been discounted or are undeliverable. The greater the harm the stronger the justification should be.

**8.41a When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.**

8.42 A number of other parks and gardens, both in private and public ownership, are undesignated but are considered to be locally important by way of their particular historic or design interest, and the contribution they make to the landscape quality and character of the area; **such sites will be afforded protection under Policy D7.** they are thus considered to be worthy of the same considerations.—

### **Delivery**

- Key Delivery Partners: City of York Council; developers and English Heritage.
- Implementation: Planning applications.

## Policy D9: City of York Historic Environment Record

City of York Council will develop, maintain and make available a comprehensive digital Historic Environment Record (HER) for the City of York for use by those preparing development proposals, community groups, academic researchers and students, and the general public.

Development proposals affecting heritage assets will need to be accompanied by an appropriate Heritage Statement – it is expected that the City of York Council HER will have been consulted in preparing this document.

Copies of all heritage statements and reports on archaeological interventions and/or of historic buildings, whether pre- or post-determination, must be deposited with the City of York HER.

### Explanation

- 8.43 The City of York HER is a database of designated and undesignated heritage assets in the City of York. It includes ~~over 6,000~~ records of archaeological monuments features and deposits, historic buildings, parks and gardens, and finds in York. The HER contains ~~over 1,400~~ reports ('grey literature') on archaeological interventions and building recording; it includes historic maps, an extensive library of aerial photographs, photographs of buildings, national and local publications, ~~including~~ dissertations, conservation management plans, historic buildings assessments and other sources. It also includes historic landscape characterisation data and ~~an emerging~~, detailed historic character assessment of the area within the outer ring road. Elements of the HER are accessible through **City of York Council HER page** ~~and the~~ Heritage Gateway, ~~website and online mapping of City of York Council.~~
- 8.44 City of York Council is committed to encouraging developers and their agents to become active partners in better revealing the significances of York's historic environment. The HER is an essential element of this process and a first point of contact for anyone wishing to research the heritage of York such as, developers, academics, members of the public and educational establishments.
- 8.45 The Local Planning Authority will expect development proposals that impact on archaeological deposits and other heritage assets to create opportunities for enhancing public and academic appreciation and understanding of York's historic environment by contributing to the development and enhancement of the HER.
- 8.46 In order to ensure the sustainability (including the long-term curation, maintenance and enhancement) of the HER, City of York Council will levy charges on those using ~~and depositing~~ reports and other material with the HER.

### Delivery

- Key Delivery Partners: City of York Council; developers, **Historic England** ~~English Heritage~~; community groups, academic researchers; students; and the general public.
- Implementation: Planning applications; and heritage statements

## Policy D10: York City Walls and St Marys Abbey Walls (York Walls)

Projects that set out to conserve and enhance the values and significances of York Walls will be supported.

Development proposals within the areas of York Walls designated as Scheduled Ancient Monuments will be supported where they are for the specific purpose of enhancing physical and intellectual access to York Walls.

**Harm to the significance of York Walls will be permitted only where this is demonstrably outweighed by the public benefits of the proposal.**

Development proposals adjacent to or likely to affect the setting of the City Walls designated as Scheduled Monuments will only be permitted where:

- i. they are accompanied by a Heritage Statement that clearly assesses the impact **which the proposals are likely to have upon the elements which contribute to their significance and the principle characteristics which contribute to their significance** and the six principle characteristics of the City as identified in the Heritage Topic Paper;
- ii. they are designed to be no higher than the city walls externally and not reduce their dominance;
- iii. they do not cause harm to those elements which contribute to the significance or the setting of York Walls; **and**
- iv. they are of the highest design quality which, where possible, enhances or better reveals the significance of York Walls; **and,**
- v. **any harm to the significance of the setting is demonstrably outweighed by the public benefits of the proposal.**

### Explanation

8.47 York City Walls and St Marys Abbey Walls are designated scheduled ancient monuments and Grade I listed buildings. The York City Walls Conservation Plan and Access and Interpretation Plan (2005) states that ‘the York city walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of the City of York and its wider, universal context’. The City of York Local Plan supports this view and extends the same definition to the standing precinct walls of St Mary’s Abbey.

8.48 The effective management and use of the walls, bars, banks, ditches and settings can enhance their significance, providing amenity space, green corridors, creative backdrops, quality spaces and generate responsive design interventions. All of these enhancements can be delivered through partnership working, the sharing of expertise and inclusive initiatives across the city. York Walls define and reinforce the compact city centre and greatly contribute to York’s unique sense of place, its role as a tourism centre, and thus underpin the economy and quality of life of the city. Development proposals that actively support the management and enhancement of the York Walls character and significance in partnership with others will be

welcomed. Proposals that harm character and significance and setting will be resisted.

- 8.49 Enhancement of York Walls can take a variety of forms: physical interventions, the provision of interpretation facilities, and the expansion of physical and intellectual access. The Local Plan recognises that it will be of great public benefit to promote a participative and inclusive management regime that includes: the public use and management of elements of the York walls such as Fishergate Postern; providing support to the Friends of York Walls group; and involving people in the management of the walls.

**8.49a York Walls are heritage assets of the highest significance and great weight will be given to their conservation. Any substantial harm or loss will require clear and convincing justification to demonstrate wholly exceptional circumstances.**

### **Delivery**

- Key Delivery Partners: City of York Council; developers and **Historic England** English Heritage.
- Implementation: Planning applications; and heritage statements

## **Policy D11: Extensions and Alterations to Existing Buildings**

It is important to plan positively for the achievement of high quality design for all development proposals. Proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise;
- contributes to the function of the area and is safe and accessible; and
- protects and incorporates trees that are desirable for retention.

### **Explanation**

- 8.50 Development which results from the change, addition to or the conversion of existing buildings can prolong the useful life of a building, helping to meet the changing needs of its occupiers. However, inappropriate alterations or a concentration of change can cause harm to the character of a place or to local residential amenity.
- 8.51 An extension would normally be expected to be subsidiary to the original building. Stylistically, it should not be a confused pale imitation of the original. However it would normally be expected to be in keeping with the original building and its context (see policy points above). If a quite different approach to the architectural language of expression is developed, this could be acceptable only if high design quality can be demonstrated.
- 8.52 In protecting amenity design considerations should allow for practical provision of lighting, bin storage and recycling, access, cycle and vehicular parking in line with the Council's most up to date standards.
- 8.53 The House Extensions and Alterations Supplementary Planning Document (2012) and the Sub-division of Dwellings Supplementary Planning Document (2012) provide further guidance.

### **Delivery**

- Key Delivery Partners: City of York Council.
- Implementation: Planning applications.

## **Policy D12: Shopfronts**

Proposals to alter or replace existing shopfronts, or create new shopfronts will be supported where they:

- i. conserve and enhance the special qualities and significance of the building and area; and
- ii. relate well to their context in terms of design, scale, material and colour.

Proposals that set out to remove, replace or substantially harm shop fronts of high quality design or of historic interest will not be supported.

### **Explanation**

- 8.54 Well designed shopfronts make an important contribution to the character of an area as well as to individual buildings across the city. Within the central historic core conservation area, the survival of historic shopfronts is particularly high, and there are many examples of high quality contemporary design; together they make an important contribution to the special architectural and historic interest of this thriving retail area.
- 8.55 Where existing shopfronts are of indifferent or poor quality design, replacement with shopfronts of high quality design and materials which complement the design and proportions of the host building will be encouraged. The Council is particularly keen to see all its secondary shopping areas enhanced through the use of well designed shopfronts.
- 8.56 Dilapidated shopfronts should be repaired rather than replaced where they make an important contribution to the distinctiveness of the building or area.
- 8.57 Where there is a demonstrable need, well designed canopies will be considered where the shutter box is integrated with the shopfront and the design of the canopy relates well to the design of the building and street.

### **Delivery**

- Key Delivery Partners: City of York Council.
- Implementation: Planning applications and listed building consent planning applications.

## Policy D13: Advertisements

Permission will be granted for the display of advertisements where they:

- i. are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity, or to the character of the host building, and will respect the character and appearance of a building or the street scene; and
- ii. positively reflect the interests of amenity and public safety.

In addition, within conservation areas and on buildings identified as heritage assets, illumination will only be supported where the fittings, wiring and level of illumination **are is** designed to preserve or enhance the historic character and appearance of the building, area and the premises trade as part of the evening economy.

**See also Policy D4 and D5**

### Explanation

- 8.58 Advertisements play an important role in promoting economic vitality, and where well designed, they can make a positive contribution to the street scene. At the same time a proliferation of signs can be unsightly, distracting and damaging to the appearance of the building, street or area.
- 8.59 Advertisements should be designed and located to avoid conflict with the historic character and appearance of heritage assets including conservation areas or damage to historic fabric. For example, internally illuminated box signs will not be supported on buildings identified as heritage assets or in conservation areas because of their adverse impact on character and significance. In some streets, advertisements sign written directly onto the fascia remain the prevailing form, adding to the historic character of the area. In these locations, other forms of fascia signage will not be supported unless appropriate to the character of the host building. Banners and high level signs will also not be supported. Exceptions may be made for temporary signs advertising special one-off or annual events which promote the city's economy. Hanging signs, where appropriate, should generally be restricted to one on the each street frontage.
- 8.60 There are streets within the central historic core conservation area, and across the district, where there is little illuminated signage. In these instances, the proliferation of illuminated signs would undermine the historic character and appearance of the area and will not be supported. Exceptions would be made for properties which support York's evening economy.

### Delivery

- Key Delivery Partners: City of York Council.
- Implementation: Planning applications.

## Policy D14: Security Shutters

Suitably designed internal see-through shutters will be considered where other security measures can be demonstrated to be inadequate and where there is justifiable need.

Proposals for the installation of solid or external see-through shutters in conservation areas or on buildings identified as heritage assets will not be supported other than in the following circumstances:

- i. where they are externally demountable open mesh grilles; and
- ii. where they are of an appropriate scale and the design preserves the character and significance of the shopfront.

### Explanation

8.61 Solid roller shutters prevent out of hours window shopping, and can result in the appearance of a hostile environment which harms the amenity of the area, in additions to negating the value a shopfront itself makes to the visual interest of the street scene.

8.62 In conservation areas or on buildings identified as heritage assets, security should be provided by laminated glass, secondary glazing or internal security film. Where internal see-through shutters are approved, shutter boxes should be positioned so as not to be visible ~~from~~ **from** the outside, and the design of the shutter must sit comfortably with the design of the shopfront.

### Delivery

- Key Delivery Partners: City of York Council.
- Implementation: Planning applications.