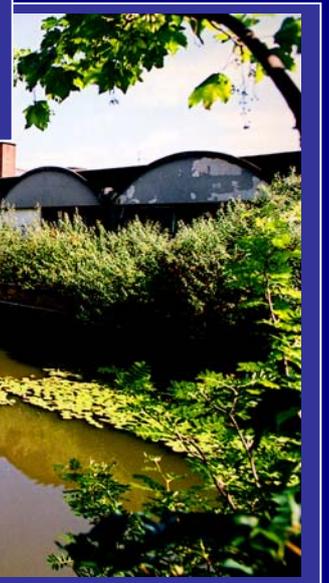
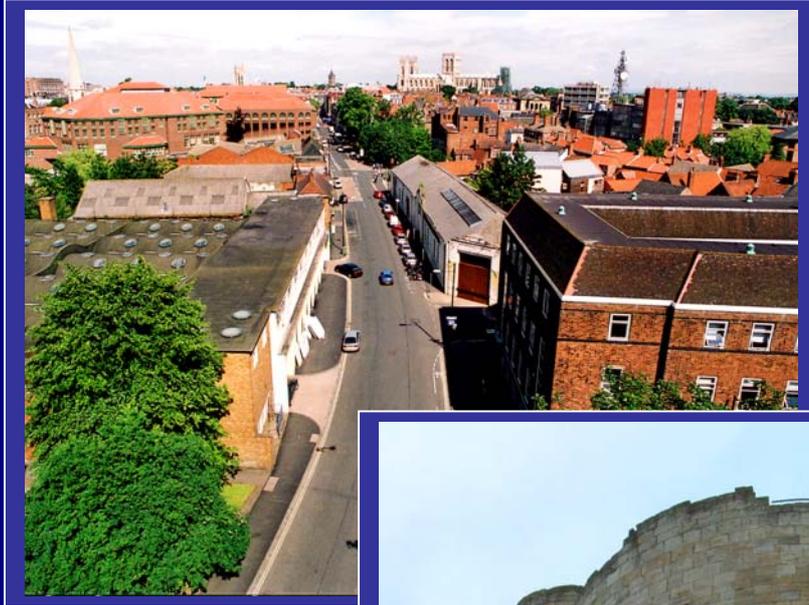


Castle Piccadilly Planning Brief



March 2006

Directorate of Environment &
Development Services



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PREFACE

This brief has been prepared by City of York Council to provide guidance on the broad policy, development and design parameters that should guide any development proposals in the Castle Piccadilly area. It is intended to help inform and guide prospective developers on the potential opportunities the area offers and those issues where careful consideration is needed. It has been produced to update and supersede the original planning brief for the site prepared in 1991.

It must be acknowledged that, in developing options for the regeneration of this area, there will be a tension between site viability and environmental sensitivity. Although it is not the intention at this stage to set down a rigid or over prescriptive framework, developers will be expected to consider the full implications of new development as set out in this brief, and early and continued consultation with Council Officers is strongly encouraged.

In particular, specifications have not been included relating to the mix of uses and the built/open space split on the west side of the Foss in order to allow originality from prospective master planners and architects.

This brief is non statutory draft Supplementary Planning Guidance. It has been prepared in the context of relevant statutory national and regional policies and complements the policy approach set out in the City of York Development Control Local Plan, incorporating the 4th set of changes,¹ which was adopted by the Council for development control purposes on 12th April 2005.

Preparation of this planning brief has been informed by consultation and discussions with stakeholders and members of the public. This consultation has had a significant impact on the content of this brief and both the Vision and Key Objectives and the approach in the principles outlined in the 'Design and Landscape Parameters' chapter are derived, in part, from the stakeholder discussions.

An outline of the process, the contributions made by the Reference Group and public are outlined in a report by Icarus, the external company who facilitated the consultation. A way forward on the issues raised was considered in a report to the Council Executive in February 2005. The report, 'Public Consultation on Castle Piccadilly' and the report by Icarus are available, on request, from the Council. A summary of the consultation is also included in Appendix Four of this brief.

¹ The City of York draft Local Plan, incorporating the 4th set of changes is referred to as the 'Development Control Local Plan' in the rest of this document.

1. INTRODUCTION

1.1 Castle Piccadilly lies within the York City Centre boundary and forms a strategic part of the City Centre. It provides a valuable and unique opportunity to create a sustainable high quality mixed use development to help strengthen York's attractiveness as a major tourist destination and retail centre.

1.2 The Castle Piccadilly area is recognised as being of strategic importance to the future of the City. It includes buildings of exceptional historical and architectural quality, of international importance. Regeneration could transform this part of the City by enhancing the unique setting of these buildings and securing their sustainable future. It is also an opportunity to add to the quantity and offer of retailing within the centre of York and should contribute to the future vitality and viability of the City.

1.3 York City Centre is a sub regional centre serving the City's business, shopping, service, tourism, administrative, leisure, cultural and education needs. It has an international role in terms of tourism and is a key city in the economic development of the region. The Development Control Local Plan outlines the vision for York as,

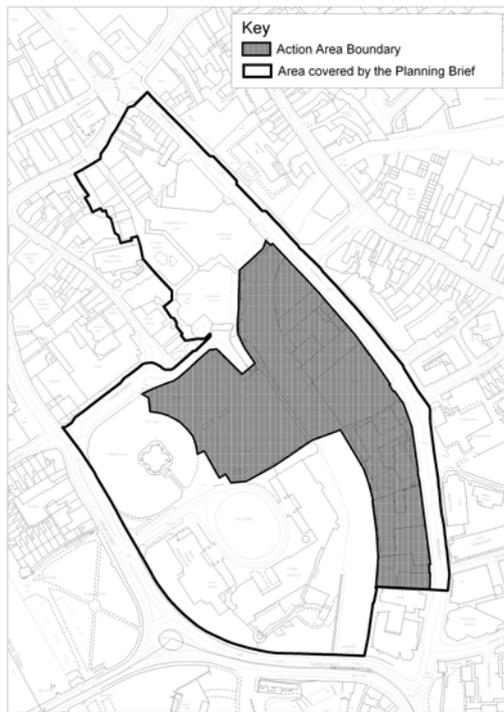
“a vibrant historic city where modern life and business develop in harmony with their environment, while preserving the city's unique heritage for the future. This is reflected in 'York's Community Strategy York: A City making History...'. The appeal of the city's historic centre will be strengthened by sympathetic development, which maintains the traditional varied character of its streets while adding new life. Only by both developing and preserving York's character can we safeguard its role as both a successful tourist and shopping centre maintaining its vitality and vibrancy” (Development Control Local Plan paras 1.14 & 1.15).

1.4 The Community Strategy (July 2004) has identified a number of issues facing the city. One of the key issues identified is that of balancing development needs with the need to conserve the historic environment. A key objective is outlined in the Sustainable City section, that York should be a model sustainable city with a quality built and natural environment and modern integrated transport network. The conservation and enhancement of the existing historic environment and the special character of York is also noted in the strategic aims of this. Sustainability issues are of increasing importance in development within the City with sustainable design and construction included as a new policy in the Development Control Local Plan and a draft Supplementary Planning Guidance Note being prepared to supplement this. A Sustainability Statement will be required to accompany any proposals. Sustainable development should be an overarching theme which guides development in this area.

1.5 The Development Control Local Plan identifies the Castle Piccadilly area, along with the area known as 'Hungate', as areas offering development opportunities for mixed use development within the city centre. Outline planning permission for a scheme at Hungate which includes retail, leisure, residential and business uses was approved by the Council in June 2005. The Council has also prepared a planning brief for York Central (a large development site adjoining the City Centre) which was published in March 2004. The location of these sites in relation to the Castle Piccadilly area is depicted on Map 1.

1.6 Policy SP9 of the Development Control Local Plan identifies the Castle car park, and the western side of Piccadilly from the River Foss to the Travelodge as an Action Area for mixed use development including retail, residential, employment, public transport facilities, car parking and quality civic and open space. The brief covers the Action Area and extends around Clifford's Tower, the Eye of York, the court and castle museum and the Coppergate

centre extending up the western side of Piccadilly up to the junction with Parliament Street (see inset map, below).



1.7 The entirety of the area covered by the brief falls within the Central Historic Core Conservation Area and is within a designated Area of Archaeological Importance. The Castle Precinct, including Clifford's Tower, is a Scheduled Ancient Monument and Clifford's Tower, the Debtor's prison, the Crown Court and the Female prison are all Grade I listed. The Council has produced a Castle Piccadilly Conservation area appraisal to accompany this planning brief. The appraisal forms the basis for a sound understanding of the special architectural and historical qualities of the proposed development area and its immediate surroundings. Although it does not provide specific design guidance, the conservation area appraisal is essential to all those involved with the development of the site in relating any detailed proposal to its historic surroundings.

1.8 The catalyst for regeneration is the requirement for additional retail provision within the city centre, to be provided as part of a mixed use development. The City of York Retail Study by Roger Tym and Partners (2004) concluded that approximately 17,600 sq m of new comparison goods floorspace would be required up to 2011 if York is to maintain its share of the regional retail market with additional floorspace required beyond this date. The new floor space should be provided within the City Centre retail core or if this is not possible, on edge of centre sites. The Castle Piccadilly area is identified as the most suitable edge of centre site for retail development. It is included in Policy S1 as a site for retail development as part of a mixed use scheme. Policy S1 outlines the type of development that will be acceptable in this area:

- The provision of substantial quality civic and open space is essential for the area, particularly on the west bank of the Foss
- Proposals should be of the highest quality in terms of urban design and sensitive to nearby historic structures
- A strong retail circuit between the southern side of Coppergate, across the River Foss to Piccadilly, should be provided as part of any scheme
- Retail development should include a high quality department store and high quality comparison unit retailers
- A modest scale convenience food store would be supported, in principle, as part of a mixed use scheme
- There is scope for the Central Shopping Area to be extended following redevelopment

1.9 A study of retailing within the city centre produced by the Economic Development and Community Safety Scrutiny Board (September 2004) has reviewed the current strengths and weaknesses of York City Centre as a shopping venue. The work was informed by discussions held with retailers within York, developers, surveyors, visitors and residents. The report on the study outlines a number of issues for the centre and suggests ways to improve the retailing offer. Two of the issues identified include the need to increase the diversity of

retailers and that the city would benefit from a large 'flagship' retailer. It recommends that efforts are made to develop this type of provision.

2. KEY OBJECTIVES/ VISION

2.1 The Council's vision for the development of the Castle Piccadilly area is to,

promote sustainable regeneration and enhancement by seeking high quality mixed use development which helps to address the retail needs of the city with quality civic and open space which will enhance the vitality and viability of the city centre, whilst ensuring the settings and views of the internationally important listed buildings within and adjoining the site and of the River Foss are protected and enhanced. Proposals must demonstrate how the objective of preserving and enhancing the character and appearance of the internationally important historic area will be achieved

2.2 This vision will be sought through the achievement of a number of key objectives:

- To create an outstanding development that demonstrates the principles of sustainable development in all aspects including its design, construction and use.
- To ensure the setting of Clifford's Tower and the Castle precinct is enhanced and the important views of these historic buildings are maintained.
- To secure the enhancement of the public realm with high quality design, detailing and materials which respect the existing buildings within the Central Historic Conservation Area.
- To ensure development is of the highest architectural quality, which respects the scale and massing of development in the City Centre.
- To promote a mixed use development of the highest quality which helps to address the retail needs of the city.
- To consider housing opportunities within the area in accordance with local plan policy.
- To create a new open and civic space around the Eye of York and Clifford's Tower, which is of the highest quality of design, will enhance the historic character and appearance of the area, provide an appropriate setting for Clifford's Tower and assist in the public's understanding of the Castle Precinct.
- To provide mixed use development which creates interactive, permeable and interesting frontages.
- To improve the connectivity between the Castle area, Piccadilly and the rest of the City Centre.
- To maximise the potential of the River Foss in terms of its contribution to the visual amenities of the area and public accessibility and as part of a wider river walkway strategy through the centre.
- To ensure the wildlife value of the River Foss is protected and enhanced with the provision of a wildlife corridor.

- To provide development that is viable and helps to deliver wider planning objectives for the area e.g. the provision of quality civic and open space, links across the river, riverside paths and the relocation of the castle car park.

2.3 This vision and the objectives were agreed by the Executive in February 2005 as providing the overall context for the guidance in the draft brief.² The key objectives were derived from work carried out on the guiding principles for the development of the area, produced by the Reference Group (outlined in full in Appendix 4).

2.4 The achievement of objectives outlined above can only be met by looking at the area comprehensively and thereby maximising the benefits of the redevelopment for the city, for example the provision of substantial public open space and an enhanced setting for Clifford's Tower (Scheduled Ancient Monument). A successful regeneration scheme will be inspired by the outstanding historic and cultural environment and will maximise the use and appreciation of the River Foss.

² A separate sustainable development objective and reference to this in the vision has been added subsequent to the Executive meeting

3. SITE DESCRIPTION AND ANALYSIS

Location

3.1 The area covered by the Castle Piccadilly Planning Brief is located within the City Centre boundary (see Map 1) and to the south of the central shopping area (see Map 5). It is divided by the River Foss which flows from Piccadilly bridge in the north to Castle Mills Bridge in the south. The area lies within the Central Historic Core Conservation Area and the York City Centre Area of Archaeological Importance.

The Action Area

3.2 The Development Control Local Plan Policy SP9 identifies an Action Area in the Castle Piccadilly area for comprehensive and sustainable development (see Map 2). The Action Area is a linear band comprising of the Castle Car Park to the west of the River Foss, the River Foss and land between the river and Piccadilly. It has an area of 2.3 ha (5.6 acres).

Description of Sub Character Areas

3.3 Within the Castle Piccadilly area four sub areas are identified which differ in character and appearance. These sub areas are based on the work carried out on the draft Conservation Area Appraisal in 2005, which identified 4 character areas in this part of the City (see Map 3). The draft Conservation Area Appraisal actually covers a wider context with detailed consideration of the historical development and significance of these areas (see Appendix 2). Brief descriptions of the areas are given below and identified on Map 4. An analysis of the four areas follows the descriptions.

Castle Area

3.4 The area to the west of the River Foss is a site of immense historic and cultural significance containing buildings and archaeology of National importance designated as follows. Clifford's Tower is a Scheduled Ancient Monument and Grade I Listed building. The entrance and access to Clifford's Tower are located on the southern side of the Tower. Surrounding Clifford's Tower is a steep grassed bank, which forms the motte of the original motte and bailey castle. To the south of Clifford's Tower is a group of three Grade I Listed buildings, formerly known as the Debtor's Prison, Assize Courts and the Female Prison (see glossary for terms used in definition of castle area buildings). These buildings surround an oval lawned area known as the Eye of York. The buildings are in use as the Crown Court and the Castle Museum. There is a circular access road around the edge of the Eye of York leading from Tower Street.

3.5 Between Clifford's Tower and the western bank of the Foss is a surface car park which provides short stay car parking for approximately 322 cars, accessed from the northern part of Tower Street. There is a public walkway adjacent to the west bank of the river linking the car park and Piccadilly bridge. A number of silver birch trees line the River Foss adjacent to this footpath. The River Foss is enclosed by a stone wall on the west bank and sheet steel piling on the east bank.

Piccadilly

3.6 The buildings along Piccadilly, between Piccadilly bridge and Ryedale Building, are mostly 2 storey in height on the Piccadilly frontage. The buildings are occupied mainly by retail uses and car parking areas on the ground floor fronting Piccadilly with office/storage uses above. Some of these buildings abut the riverside whilst others have open yard areas at the rear. The Ryedale building is a 1970's 7 storey block above an entrance concourse

and open car parking area. To the south of the Ryedale building are single storey buildings and open areas used for short stay car parking. Adjacent to the southern boundary of the area is a building 4/5 storey's in height, occupied by a hotel. This was constructed in 2000/2001 and incorporates a seating area and walkway fronting the River Foss.

Coppergate (including Castlegate)

3.7 In the north of the area is the Coppergate shopping centre comprising a retail and residential complex with multi-storey car park. This development fronts a pedestrianised shopping mall known as St Mary's Square, leading from Coppergate in the north. The retail frontages within the centre and fronting Piccadilly are designated as Primary Shopping Streets in the Development Control Local Plan. An internal service yard serving this development is accessed from Tower Street and one from Piccadilly. There is also a basement parking area under the complex, which is accessed from the castle car park.

3.8 Castle Walk provides pedestrian access from the Castle car park area into St Mary's Square. Castlegate is a narrow street containing a number of 18th Century buildings and St Mary's church. Fairfax House and Castlegate House are important Georgian Grade I Listed buildings located close to the action area. Adjacent to the action area there are marked differences in scale between the Hilton Hotel, a four-storey building constructed in 1983/4, and the modest building at the junction of Castlegate and Tower Street.

3.9 Tower gardens are an attractive area of parkland located to the west of the area alongside the River Ouse, just south of the city centre. The other major city centre open space is the Museum Gardens to the north. Tower gardens were recently improved as part of the Millennium bridge riverside walkway, including new paving, seating and signage. Paths run alongside the river and also diagonally across this area linking the riverside with Clifford Street and via a pedestrian crossing to Clifford's Tower.

River Foss

3.10 The Foss is the city's second river and runs from north to south through the area covered by the brief. The Council is the navigation authority for the River Foss and is responsible for the management of navigation along it, although there is very little use made of the river for boating at present. It is designated as a Main River by the Environment Agency. The Castle Piccadilly area is within the recorded floodplain zone 3 and has flooded in the past, most recently in 1982 and 2000. Following the flooding in 1982 the flood barrier and pumping station were constructed on the Foss at its confluence with the River Ouse, just south of Castle Mills bridge.

3.11 There has been no dredging of the river channel for at least 15 years and its flow is relatively slow. The River has a relatively limited ecological value with the majority being built environment, the river being canalised, heavily silted, with sheet piling sides and buildings which are vertical from the waterside. The sides of the channel support little mural vegetation although the south-western side, which includes stone banking, has been colonised by a range of plants.

Analysis of Sub Character Areas

3.12 An understanding of the current weaknesses and opportunities in the use of these spaces is crucial in order to develop appropriate proposals for the area. The following analysis highlights where improvements could be made and where development opportunities may exist.

Castle Area

3.13 Any development proposals will need to respect both the setting of adjacent listed buildings and the character of this part of the Conservation Area (see policies HE2 and HE3 of the Development Control Local Plan). Of particular importance is the setting of and views to and from Clifford's Tower and the Castle Museum.

3.14 Clifford's Tower stands as an independent structure on an open "carpet". The drama of the concentric (quatrefoil) form elevated on its mound highlights its political and historical significance and asserts its status as a landmark of supreme importance. This free-standing "object-building" exerts an implied field of influence (radiance) around it. Sites of this nature are rare within cities, being reserved for unique buildings exerting dominance of form and purpose. Intrusion into the sphere of influence would undermine its significance.

3.15 The Castle Area is a particularly complex area containing listed buildings of the highest quality with physical and visual connections across the area and to adjacent streets, most notably Castlegate and Tower Street. The three civic buildings back onto surviving remains of the castle enclosure. This formal composition, which developed over time, encloses three sides of a square – the fourth side being open to Clifford's Tower which sits some distance off at an oblique angle. These three buildings represent the development of classical architecture over seven decades from early English Baroque expressed in the Debtors prison to the Palladianism of Carr's Assize Courts. The two later buildings (Court & Female prison) address each other on axis across an oval lawn. The group as a whole is unbalanced in relation to the design of the square as a result of the last building of the group (the Female Prison) being set out perpendicular to its immediate neighbour (the Debtor's Prison) but at some distance away. The result is an unhappy relationship between the strong symmetrical primary elevation of the Debtors Prison and its shared forecourt. The site has been compared with the Campidoglio in Rome where Michaelangelo was instructed to unify and beautify an unresolved three-sided complex of buildings.

3.16 The landscaping of the Eye of York does not create an appropriate setting for the status of the surrounding complex. The road around the Eye of York is too dominant and is perceived as an oversized private turning circle. The central oak is an attractive well-formed early mature tree, planted to commemorate Alex Lyon's 25 years as an MP for the city. However, on its own it does not define the spatial quality of the Eye and only accentuates the lack of relationship between the oval and the central axis of the Debtor's prison.

3.17 There is currently no natural flow of pedestrians past the entrance to the Castle Museum and therefore little 'passing trade'. It is entered through a low level semi-transparent link between the Female & Debtors prisons. This entrance foyer, built in the late 20th century, is unsatisfactory in that it is located in the remote corner of a contained square. It is not easily seen from a distance and it is a destination, not on a through route. The formality of the buildings and their shared courtyard also discourages public entrance. As a result the buildings of the Castle area are vulnerable at night-time as they are almost exclusively used during daylight hours.

3.18 The north elevation of the Female prison presents a foreboding outer face to the viewer. The elevation was not meant to be seen. This aspect is currently filtered at lower level through a line of trees which mitigate its impact. The cornice has been returned partially onto this façade from the front of the building.

3.19 The Crown Court and Castle Museum are virtually a peninsular as perceived from the south. They are contained behind surviving castle walls which follow the line of the Foss, and the civic buildings face inwards towards the castle precinct, rather than outwards. Lack of connection to the surrounding environment is exacerbated by the line of the four-lane distributor highway skirting the site. At this point a bridge crossing allows access into

Piccadilly. Nevertheless the site is perceived as being impermeable as visual connection into Piccadilly is also restricted by sharp deflection in the building line and also by the end-stop of Fishergate Tower.

3.20 The surface car park does not provide an appropriate setting for the Scheduled Ancient Monument and adjacent Grade I Listed buildings. The broad tarmac width of Tower Street and the complexities of the car park entrance, the service road to the Coppergate centre, the access road to the Castle precinct and Tower Street all detract from this historic setting. The mass of cars also impedes pedestrian movement across the site, in particular from Castlegate/Tower Street to the Eye of York. The area between the Court building and Clifford's Tower is visually unappealing.

Piccadilly

3.21 Piccadilly is a relatively recent street, having been completed around 1910 as an extension of Parliament Street southwards to the Fishergate postern. The street has never been fully integrated into the city and has served for light industrial or office use. Although close to the busy shopping street of Parliament Street it is quiet and little frequented.

3.22 Piccadilly is a broad street but with little visual interest for pedestrians. Exceptions to this are at the junction of Merchantgate with views across to the Foss and Clifford's Tower from Piccadilly Bridge and historic buildings such as the Merchant Adventurers Hall and the Red Lion public house. In the other direction the frontage to Marks and Spencer and the unit previously occupied by Alders introduces a larger scale but offer little architectural interest. The scale and dominance of Ryedale Building is out of keeping with adjoining buildings and detracts from the setting of the Castle buildings in views from the Tower and western part of the site.

3.23 Piccadilly appears deceptively wide – the low stature of buildings in the central section of the street contributing to this impression. It is in fact an average of 14-15m wide which compares with the widest part of Micklegate or of Bootham close to the Bar (elsewhere Bootham is about 20m wide). It is important to achieve some contiguity of purpose and mass across the street.

3.24 Piccadilly is built at higher level than surrounding land, probably as a result of reclaiming the drained area of the King's Fishpond. This has resulted in more recent buildings being elevated above the historic street network. The servicing of the Coppergate centre yard takes advantage of the significant change in levels and appears visually discreet from public areas. Merchant Adventurers Hall and the Red Lion Public House are particularly affected by the land levels. Merchant Adventurers Hall is one of the surviving medieval guildhalls of York (classified as a Scheduled Ancient Monument and a Grade I listed building). It is the most important building on the street and its garden offers a tranquil enclave. Although the building has very little visual connection with the development site, the mature trees lining the street edge and the substantial gates and boundary treatment make an important contribution to the street scene.

3.25 It would be expected that street trees would be feasible within the width of Piccadilly. Trees should be sited at a suitable distance from building facades and should not conflict with underground or overhead services.

3.26 In addition to improving connections, Piccadilly should have visual value and character of its own merit. The corner site of the "White Swan" virtually severs the connection with Coppergate/Pavement with its empty floors, unused ground floor spaces and shabby facades. The White Swan is of local historic interest and its sensitive renovation and reoccupation would significantly improve its visual merit at this important junction.

3.27 On the east side of Piccadilly is Reynard's garage (17/21 Piccadilly), a 0.1 ha site allocated for residential development in the Development Control Local Plan. The site lies immediately adjacent to the area covered by the brief (see map 5) and is currently derelict. The site was excluded from the Action Area because its condition warrants the development of the site in the short term. However, should the site still be derelict at the time of the Castle Piccadilly redevelopment there is scope for this site to be included as part of the mixed use development.

3.28 Development along Piccadilly must not only consider its relationship to the River Foss and the Castle area but also its connection with the historic form and scale of the wider area.

Coppergate (including Castlegate)

3.29 The Coppergate centre was a comprehensive redevelopment scheme of the 1980s, which provided accommodation for larger retail units, a museum, apartments and car-parking. It differs in urban typology from the traditional pattern of streets and squares in that it is mostly an internalised development.

3.30 The five-way junction at the traffic lights and the toilet/telephone block at the southern end of Parliament Street, physically and visually cut off Coppergate and Piccadilly from the rest of the city centre. Pedestrian flows in Piccadilly are reduced due to this poor linkage. The Coppergate centre is currently designed as a cul-de-sac with pedestrians following a largely internal route within the centre. The route through to the Castle area is not obvious or visually apparent.

3.31 The scale of Coppergate Walk successfully mimics the scale of many of York's historic streets. The height of buildings increases significantly to enclose the main square, St Mary's Square. Glazed arcading around this public space reintroduces a more human scale, and the mature Horse-Chestnut tree glorifies the space. Dynamic and static movement areas are subtly defined and the combination of tree, planting and seats provides an area of reflection which many people enjoy. The space is not as successful at night time despite the route past St Mary's Church and the presence of the apartments which overlook the space. The reopening of St Mary's Church as a contemporary art venue is a welcome development.

3.32 Castlegate was one of the principal streets of medieval York, linking the Castle with the City of York. It remains one of York's most attractive streets, being distinguished by the Church of St Mary and several ambitious Georgian houses. Since the creation of Clifford Street in the 19th century, Castlegate has taken on the air of a back street that does not match its historic or architectural importance.

3.33 The elevated prospect from the south end of Castlegate would be breath-taking if it were not for extensive car-parking in the foreground and other obstacles and street clutter. From this vantage point the civic buildings are situated at a distance and set at lower level, appears lost in space.

River Foss

3.34 The River forms a natural, albeit much altered, corridor through the urban area with important links through to the rural landscape beyond the city and the River Ouse. As such it functions not only as an important visual open space but a valuable wildlife corridor as well. The river itself along this stretch is deeply canalised with limited bankside vegetation. The existing development in Piccadilly fronts the road and backs onto the river and there is therefore no public access from this side. The river is only visible from the Castle riverside or from Piccadilly or Castle Mills bridges. It is therefore very much a 'hidden asset' of the city centre that could be enhanced as a major function of the development.

3.35 At present, the river is best appreciated looking along its length from north to south from the rear of the Coppergate centre or from within the private parking areas that abut the eastern bank. From the Castle car park the presence of a channel is registered by the line of silver birch trees along the top of the walls and the apparent void between the car park and the rear of the buildings on Piccadilly. There is a pleasant juxtaposing of trees and stone walling to the rear of the female prison. Although it provides an important visual break, the River Foss divides the area and is a barrier to vehicular and pedestrian movement between the Castle and Piccadilly areas.

3.36 The regeneration of Castle Piccadilly provides an opportunity to enhance the positive attributes of the existing area and remove elements which currently detract from the surroundings. The area currently has a poor spatial relationship with the surrounding city centre and the River Foss separates the Castle and Piccadilly sides. It will be important to ensure any proposals show consideration for the wider context and integrate with the character of adjoining areas to provide a flow and continuity in the quality of the environment. A holistic approach within the context of the city centre, will be required.

4. SUSTAINABILITY

4.1 Planning Policy Statement 1 – Delivering Sustainable Development establishes the Government’s commitment to sustainable development, which is the core principle underpinning the planning system. Sustainable development can be defined as ‘development which meets the needs of the present without compromising the ability of future generations to meet their needs’³. The government has set out four key aims for sustainable development which are:

- Social progress which recognises the needs of everyone
- Effective protection of the environment
- The prudent use of natural resources
- The maintenance of high and stable levels of economic growth and employment

4.2 The Regional Spatial Strategy for Yorkshire and the Humber sets out a vision for the region, key objectives and an overall strategy based on the principles of sustainable development. The York City Vision and Community strategy 2004-2024 outlines six themes for development of the city, one of which is sustainability. The promotion of sustainable development is a key objective of the council and underpins the vision of the Local Plan.

4.3 The Castle Piccadilly area offers an outstanding opportunity to redevelop previously used land with sustainable development in an accessible location. Sustainability principles should underpin the design concepts for the development of the area. The Council will work closely with any developer/s of the area to ensure that sustainable design, construction and use of the area are considered from the outset in developing proposals.

4.4 All proposals should be accompanied by a Sustainability Statement (as required by Development Control Local Plan Policy GP4a) to demonstrate how sustainability issues have been taken into account in the formulation of the design, construction, future use and maintenance of a scheme. Sustainability issues will also need to be addressed in other submitted documents such as Design Statements, Environmental Statements and Transport Impact Assessments. Proposals must identify the effect on York’s Ecological Footprint (see Glossary).

4.5 The Sustainability Statement must address the following issues:

- ‘Whole life’ costs of the proposal and life-cycle analysis of materials, this should include the need to reduce the embodied energy and embodied CO² of materials
- Design that allows for the orientation of buildings to maximise solar gain and the use of solar-based energy generation and heating
- The energy efficiency of the buildings *above that* required by building control regulations to provide enhanced thermal and cooling qualities
- Renewable energy generation such as ground source heat pumps, wind, biomass and combined heat and power
- The efficient use of water in the proposal through the use of grey water and rainwater harvesting systems and the treatment of waste water on site
- The effective management of water on site to reduce run off through building design and sustainable urban drainage systems
- The reuse of demolition materials on site as aggregate and, if this is not available, the use of aggregate from recycled materials, ideally from a local supplier

³ Drawn up by the World Commission on Environment and Development in 1987

- Different construction techniques and materials, such as timber frame, prefabricated building units and natural materials
- The use of materials that are from renewable sources or recycled
- Reduce waste generation on site during construction and use. Design-in space for waste separation
- Building design that provides space for wildlife
- Use of indigenous species and planting that has wildlife value
- Opportunities to improve public transport and links between different transport modes and encourage walking and cycling
- Training opportunities for local people during construction (see section on Local Skills and Training)
- Enhance the biodiversity potential of the area including the buildings, open space and River Foss.

4.6 The above list is not intended to be exhaustive and developers are advised to liaise with the Council's Sustainability Officer at an early stage in the formulation of their proposals (see contact list). Further advice on sustainability issues will be outlined in the Council's Supplementary Planning Guidance Note on 'Sustainable Development' which will be available for consultation in Spring 2006.

5. POLICY CONTEXT

5.1 The following planning policies apply to development in the area. This list of policies is in no way exhaustive and any proposals must demonstrate a comprehensive recognition of statutory and other relevant guidance.

National – Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

5.2 National guidance exists in the form of PPGs (replaced by PPSs) to explain statutory provisions and provide guidance on planning policy and the operation of the planning system. The development of the area should have regard to the following documents;

PPS 1 – Delivering sustainable development
 PPG 3 – Housing
 PPS 6 – Planning for town centres
 PPS 9 – Planning and geological conservation
 PPG 13 – Transport
 PPG 15 - Planning and the historic environment
 PPG 16 – Archaeology and planning
 PPG 17 - Planning for open space, sport and recreation
 PPG 25 – Development and flood risk

Regional – Yorkshire and Humber Selective Review of RPG 12 (Dec 2004)

5.3 This document provides a spatial framework to inform the preparation of local development documents, regional and sub-regional strategies and programmes that have a bearing on land use activities. Policies of note include;

- Policy S1 Applying the Sustainable Development Principles
- Policy S3 Urban and Rural Renaissance
- Policy S4 Urban and Rural Design
- Policy S6 Sustainable use of physical resources
- Policy P1 Strategic patterns of development
- Policy E1 Town and City Centres
- Policy SOC3 Retail and Leisure Facilities
- Policy N2 Historic and Cultural resources
- Policy R2 Development and Flood risk

Regional – North Yorkshire County Structure Plan (Oct 1995)

5.4 The North Yorkshire County Structure Plan is the statutory planning policy document guiding and controlling development in North Yorkshire. Policies of relevance include;

- Policy T9 Car Parking
- Policy T10 Cycling
- Policy S1 Shopping
- Policy S3 Single Shopping Developments
- Policy E4 Historic Environment
- Policy E5 Archaeology

Local - City of York Development Control Local Plan (4th set of changes)

5.5 The City of York draft Local Plan (referred to as the Development Control Local Plan) was approved for development control purposes in April 2005. It represents the most advanced stage of Local Plan production, comprising the 1998 deposit draft amended up to and including the Fourth Set of Changes. Although it is unadopted, the Fourth Set of

Changes to the Plan represents the current planning position in York and reflects the approach advocated in up-to-date national and regional policy guidance.

5.6 Policy SP9 of the Development Control Local Plan identifies the Castle Piccadilly area as an Action Area for mixed use development including retail, residential, employment, public transport facilities, car parking and quality civic and open space.

5.7 Draft Policy S1 of the Development Control Local Plan outlines that this area provides a key opportunity to meet the retail need identified in the York Retail Study (Roger Tym and Partners 2004) for the period to 2011. It states that comparison goods retailing, with scope for ancillary convenience retail development, will be supported as a key element of a mixed use development.

5.8 The York Retail Study by Roger Tym and Partners 2004 analysed the need for further retail development within the city and assessed a number of sites in relation to their suitability for the level and type of retail development required. It concluded that priority should be given to the redevelopment of the Castle Piccadilly site for retail, A3/4 uses and civic and open space.

5.9 Regeneration of this area should therefore seek to address the need for 17,600sq m of comparison retail shopping in the period to 2011 and also consider the scope to meet some of the need identified for after 2011 to maintain and regain York's retailing position which has recently been lost.

5.10 Other relevant Policies in the Development Control Local Plan include;

- GP4a: Sustainability
- HE2: Development in historic locations
- HE3: Conservation areas
- HE4: Listed buildings
- HE5: Demolition of Listed buildings and buildings in the Conservation area
- HE8: Advertisements in historic locations
- HE10: Archaeology
- HE11: Trees and landscape
- NE7: Habitat protection and creation
- NE2: River and stream corridors, ponds and wetland habitats
- NE8: Green corridors
- GP1: Design
- GP7 Open Space
- GP9: Landscaping
- GP15a: Development and flood risk
- L1c: Provision of new open space in development
- H1: Housing allocations
- H2a: Affordable Housing
- GP18: External attachments to buildings
- GP13: Planning obligations
- Chapter 6: Transport
- GP11: Accessibility
- GP3: Planning against crime
- E1a: Premier employment sites
- T14a Off-street car parking in the city centre

Local Transport Plan (2001/02-2005/06) to be updated in 2006 by LTP2 (2006-2011)

5.11 The Plan sets out sustainable, integrated transport policies aimed at tackling the problems of traffic congestion and pollution across York, to meet the local vision and objectives in line with the Government's Transport White Paper (1998).

5.12 Sustainability is the underlying theme in the Plan with a strategic policy to locate new development in places where people have a choice of means of travel. The Council are seeking to reduce car traffic by promoting viable quality alternatives and thereby seeking to protect York's historic environment.

5.13 Key issues identified in this document, which should be reflected in the design of any schemes for the area, include;

- Priority to be given to pedestrians, cyclists and other vulnerable road users
- Promotion of connectivity within the area by foot and cycle and integration with public transport links
- To reduce reliance on the car and demonstrate this with supporting Travel Plans
- Promotion of public transport services and facilities, e.g. Park and Ride
- Supporting well designed development that reduces the need to travel and encourages trips by more sustainable modes

6. ACCEPTABLE USES

6.1 The Council is seeking a comprehensive mixed use development of this site which should include retail as a key element of any proposal. The Council has identified a mix of uses that will be acceptable in the Action Area, including retail, civic and open space, residential, employment, public transport facility and car parking. A summary of these uses are set out below. These uses are considered to complement the vitality and viability of the city centre. In the consultation work carried out the importance of achieving a vibrant mix and balance of uses to economically regenerate the area was identified as an important principle for its redevelopment (see Appendix Four).

Retail

6.2 Policy S1 of the Development Control Local Plan identifies the area as a proposed shopping site to meet the identified shopping needs in the City to 2011. This follows a detailed assessment of shopping needs in the City of York Retail Study 2004 and an assessment of the City's capacity to meet this need on a number of edge of centre sites. It is envisaged that once developed, the retail element of the scheme would form an extension to the Central Shopping Area. The provision of additional quality retail facilities in York is important in maintaining the city's role as a key city in the regional economy and the vitality and viability of existing retailing. It also contributes to the attractions of the City as a major tourist centre.

6.3 The Council will be seeking the retail element to include:

- A high quality department store
- High quality comparison units

The Roger Tym retail study identified that there appears to be scope for intensive development on the east side of the Foss. Piccadilly is the preferred location for larger retail development.

6.4 A modest scale convenience food store (approximately 1,000 sq m) to serve the needs of the city centre should be explored within any development proposals and the overall requirement will be assessed against the City Retail Study and the proposals to bring forward such a use on the Hungate site.

Quality civic and open space

6.5 Provision of a high quality civic and open space must be an integral part of a high quality mixed use scheme. Quality civic and open space is also identified as one of the appropriate uses for the area in Policy SP9. Policy S1 of the Development Control Local Plan outlines the need for proposals to incorporate significant quality civic and open space, particularly on the site to the west of the River Foss and closest to Clifford's Tower (para 10.19a of the Development Control Local Plan). This follows the conclusions of the Secretary of State in considering a previous scheme for the site (see Relevant Planning History in Appendix 1) in acknowledging that civic use and open space was of relevance in considering appropriate uses for the site.

Employment

6.6 Small scale office development would be supported as part of a mix of uses within the area. This would accord with the Council's objectives of supporting office development within the City Centre, as an accessible central location.

Residential

6.7 In accordance with PPG3 and development control local plan policy H3a, a mix of high quality residential accommodation, to attract people of diverse ages, incomes and

background is sought for the area. The Council will expect affordable housing to be provided in accordance with the Affordable Housing Advice Note (July 2005). Planning applications should be supported with an Affordable Housing Plan (as set out in the Advice Note referred to above). An appropriate financial contribution for education provision and open space (including maintenance) will be required from prospective developer/s which is outlined in Chapter 19 on Planning Obligations. Early discussions with officers are recommended and a S106 agreement will be required.

Use Class A3 (Restaurants and Bars) & A4 (Drinking Establishments)

6.8 Well designed restaurants and bars will also be acceptable as part of a mixed use scheme to create lively frontages and enliven the areas during the day and evening. If approved in the Castle area this must be balanced with the special character and design sensitivity of the area. Given the historic setting, such uses will require subtle external treatments within the vicinity of the Scheduled Ancient Monument and Listed Buildings.

Public Transport facilities

6.9 Policy T7c of the Development Control Local Plan outlines that for larger development sites developers will be expected to ensure the provision of direct, safe and convenient access between public transport provision and new development. Policy T7a refers to the need for new interchange facilities close to the primary shopping area and this could be considered in the context of the Piccadilly area. This could be provided on-street but should allow for a hub of stops to allow for linked public transport journeys.

Car Parking

6.10 A car parking study has been carried out by Halcrow Group Limited to assess current car parking provision and the opportunities to meet replacement parking needs arising from any redevelopment within this part of the City. This has concluded that there are no new sites likely to come forward which would be available and suitable for use as car parks or any existing sites used as car parks which are not being used to capacity at peak times.

6.11 The Development Control Local Plan seeks to limit off-street parking provision in the City Centre. The Council will not expect there to be any increase in parking beyond the existing levels. Any proposals above this would need to be clearly justified. No additional car parking should be provided for any office accommodation. Temporary car parking provision is not expected to be re-provided within any redevelopment of the area. Any developer will be expected to pay a Section 106 contribution towards other sustainable forms of transport in accordance with the Council approved parking standards.

6.12 The strategy of tightly controlling car parking provision within the city centre is prompted by the environmental impact of such provision in terms of congestion, pollution and decreasing air quality. This approach is accompanied by support for public transport provision and non-car modes of travel (see Chapter 11: Sustainable Transport). Policy T14a of the Development Control Local Plan states that no additional public parking spaces will be permitted in York City Centre (above 2002 levels).

River Foss

6.13 The Council will encourage recreational use of the river in all forms, providing a balance is achieved between the function of the river as a flood channel and its environmental value.

7. DESIGN AND LANDSCAPE PARAMETERS

7.1 A successful regeneration scheme will be inspired by the outstanding historic and cultural legacy of the adjoining area and it will respect the ecological resource of the Foss. It will reinterpret the structure of open space to provide a strong landscape framework for the scheme connecting with surrounding areas. It will be important to consider the following dichotomies when developing design ideas;

- The symbolic importance of the Crown Court and Castle Museum, the historic seat of governance and justice, must be preserved whilst increasing fabric and space related to ordinary everyday activity (shopping, working, dwelling, leisure)
- The natural environment of the River Foss must be protected and reinforced at the same time as introducing more people into its vicinity. It is important to increase the presence of the river within any scheme in a variety of ways which do not conflict with the river as a wildlife habitat. The Foss will remain distinct from the Ouse in how it is developed.
- The requirement for a retail circuit (as outlined in the Retail Study) must be satisfied alongside other important criteria relating to the design of the pedestrian network. In particular the scheme must achieve better perceptual and actual connection with the Castle courtyard.

7.2 It is not the intention of this brief to be prescriptive in terms of the location of uses although the following parameters should be taken into account in the design of any proposals. These parameters take forward and provide more detailed guidance to the key objectives set out in Chapter 2. Specific parameters relating to particular sub areas (see Map 4) are firstly considered followed by more general parameters relating to the area as a whole.

PR1: The Castle Area

PR1.1 The present dominance of Clifford's Tower must be maintained by retaining an open carpet around it and providing space beyond this of an appropriate scale

7.3 The historical importance of Clifford's Tower is emphasised in the design of the 'Castle' which is elevated above all surrounding buildings. Proposals should ensure that this landmark and its setting is enhanced by any future development in the area. New development must respect the dominance of the Tower, retain its open character and provide space beyond this of an appropriate scale.

PR1.2 A substantial area of public civic and open space must be provided in the Castle area.

7.4 A substantial level of public and open space will be sought in the re-design of the area. Any landscape scheme should aim to facilitate an area for passive leisure and an events/ meeting place which is accessible for all. It is envisaged that this would be a lively and well used area with activities extending into the evening. It would provide a location for staging city events such as festivals, concerts and activities which support the heritage and culture of the city. It is recognised that open space provides a valuable contribution to the success of urban regeneration and a well designed space would enhance the use and appreciation of this part of the city centre as well as its biodiversity value.

PR1.3 A shared and comprehensive landscape setting must be provided for Clifford's Tower and the civic complex linked with Tower Gardens, incorporating public open space.

7.5 The car park, the Eye of York and Tower gardens currently constitute a considerable area of open space within a fairly concentrated zone. This space is a positive, but unexploited, attribute in this quarter of the city. Although Clifford's Tower and the civic complex occur within the same views, they are not visually linked. Pedestrian access to the Eye of York should be encouraged and the visual dominance of the current service road up from Tower Street should be softened.

PR1.4 The potential to create a new entrance for the castle museum should be taken into account in developing proposals for the site.

7.6 The entrance to the Castle buildings is across the austere open space of the Eye of York. This gives the impression of a municipal space that, although accessible, is uninviting to the public. The entrance is not easily seen from a distance and it is a destination, not on a through route.

PR1.5 The design should address the (northern) side wall of the Female Prison.

7.7 The northern elevation of the female prison was not designed as a frontage elevation and this is evident in the poor quality design and materials used. Any proposals for the provision of a new entrance to the Castle Museum should be sensitive to the historic importance of this wall.

PR1.6 Extend and increase pedestrian activity from the Coppergate Centre and Castlegate into the Castle area.

7.8 Coppergate Walk is currently designed as a cul-de-sac in terms of the flow of pedestrians into the Coppergate centre. The route through into the castle car park is not obvious or visually apparent. This should be addressed in any redesign of the area allowing the castle area to link more effectively with the rest of the city centre.

7.9 The developer/s should consider restoring the significance of Castlegate in relation to the castle precinct. (see Chapter 3: Site Description & Analysis)

7.10 It will be important to further open up the south side of St Mary's square (without losing enclosure) as it becomes part of the extended retail circuit.

PR1.7 An association between the River Foss and Clifford's Tower should be retained.

7.11 In developing a masterplan it will be important that an association between the Foss and Clifford's Tower is retained. The car park is unsightly. It's greatest advantage is its openness, which affords freedom of views across the area. Although hindered by ground level obstructions and visual incoherence, it maintains the historic connection between Clifford's Tower and the Foss.

PR1.8 Proposals should revitalise and reinforce the amenity and functional value of the Eye of York.

7.12 To achieve this the proposals will have to: be meaningful to people; create an appropriate setting for the buildings such that the landscape increases the public status of the complex (both locally and nationally); encourage greater human presence within the Eye of York, both passive and active and encourage entry into the museum. This should take into account the treatment of servicing within this area.

PR2: Piccadilly

PR2.1 A retail circuit between Coppergate Walk and Piccadilly must be provided whilst also ensuring historic context is paramount.

7.13 To ensure the integration of the retail elements of any proposal with the existing Central Shopping Area the Roger Tym report identified the need to secure a strong retail circuit linking Coppergate Walk across the river to Piccadilly. The area is identified in the Development Control Local Plan as a potential extension to the Central Shopping Area once redeveloped (the extent of which would be determined following development). To ensure the success of any retail extension, linkages with the existing Coppergate centre and Piccadilly should be maximised. It is important that the design of this circuit integrates with a design concept for the open and civic space in the castle area.

PR2.2 Piccadilly should become one of the major shopping streets and be a vital link in the shopping circuit.

7.14 The public realm along Piccadilly should be redesigned to become primarily a pedestrian environment, whilst retaining necessary vehicular access. Re-surfacing, street tree planting, with places to sit and appreciate the activities within the city centre should be extended from Parliament Street into Piccadilly.

7.15 Merchant Adventurers Hall is the most important building on the street and its garden provides a tranquil setting adjacent to the activity of this central location. It would be beneficial to relocate the bus stops and shelters away from the main entrance of the hall and this could be investigated, subject to operational needs being accommodated. New buildings must enhance the setting of the historic buildings related to Piccadilly, for example the Red Lion public house and St Deny's church.

7.16 There are two major node points along Piccadilly, one at Merchantgate and the other in front of United house, a 70's office development, where the long view from Pavement is deflected. Structure planting in these areas would improve the vista and appear to foreshorten the street and should be considered as part of any masterplan proposals.

PR3: Coppergate

PR3.1 Connectivity between Coppergate/Piccadilly and the rest of the city centre should be improved.

7.17 The pedestrian environment of Coppergate should be improved and more closely relate to the southern end of Parliament Street. There is provision within the Local Transport Plan for alterations to be made to Coppergate. This is being investigated further but could involve public transport only use in this street, whilst allowing for access and servicing of properties. This would improve the pedestrian environment within the street.

7.18 Retail activity in Piccadilly is currently reduced by the long term vacancy of the White Swan. It is important to intensify the use of this corner into Piccadilly creating attractive retail frontages at ground floor level. The sensitive renovation and reoccupation of the White Swan would improve its visual merit and will therefore be encouraged.

PR3.2 The impact of the rear elevation of the Coppergate Centre as seen from the castle precinct should be addressed.

7.19 The pedestrian route skirts the rear of the Coppergate development. The potentially overpowering effect of the high relatively blank wall should be improved.

PR4: The River Foss

PR4.1 The riverside should become a focal area and be designed to increase public awareness and use of areas in the vicinity of the river as well as maintaining and enhancing its wildlife interest.

7.20 There should be sufficient open space provision along the River Foss to allow full appreciation of its amenity value by those using the area. A walkway to link in with the wider Foss Walkway Strategy should be provided, although not necessarily on the same bank, within a wider open space setting that allows for such other activities as are proposed, as well as space to accommodate wildlife interests and the enhancement of the river corridor. The river currently forms a barrier to movement and this should be addressed with the provision of a bridge or bridges for pedestrians and cyclists. This would increase the public's knowledge and experience of the Foss, as would riverside seating and cafes. The re-design of the area should establish the river as a major landscape feature and a focus for activity and public access whilst also seeking to enhance its amenity and landscape value.

7.21 There is no need for continuous footpaths on both banks of the River Foss through the site for the following reasons: some buildings which merge from the river are historically relevant to the use of the river; inaccessible areas can support more secure wildlife habitats (such features are best viewed without disturbance from the opposite bank). It is however essential that a continuous route be achieved on one bank or the other for the entire length of the development site, with a new bridge or bridges where necessary. Consideration should be given to retaining access in its entirety along the west bank of the Foss between the female prison and the rear of Fenwick's. When buildings 'merging' from existing sheet piling are to be demolished or constructed, the opportunity should be taken to consider setting back new buildings to allow both access and the establishment of a green corridor. Where appropriate, the piling above normal water level could be replaced by a stepped wall with pockets for appropriate planting or such pockets built into the fabric of building at water level.

PR4.2 The potential of the River Foss should be enhanced and any buildings must not be detrimental to the river environment.

7.22 The scale and siting of buildings fronting the Foss should be designed to maximise the landscape and nature conservation value of the riverside. The siting of buildings should not be detrimental to the river corridor in terms of sunlight and ambient light levels. An assessment of current light/sunlight levels on the river throughout the year and proposed levels following development should be provided as part of any planning application. The Council will carefully consider any overshadowing of the river or loss of sunlight as this may affect the biodiversity value of the river. Overshadowing can also adversely affect the amenity of the riverside. Consideration should also be given to the potential of proposed buildings to increase the biodiversity of the area, e.g. for bats, swifts and house martins.

7.23 The ecological importance of the riverside should be safeguarded in terms of its biodiversity and the opportunity taken to enhance the wildlife habitat. Any development of this area should seek to maximise the use and enjoyment by the public of this part of the River Foss. Marginal areas of planting on ledges would enhance the ecological value of the river and would provide a safety measure. All seeding and planting adjacent to the watercourse should be carried out using locally grown native species. Surveys should identify all existing vegetation and habitat and an assessment made of the impact on any protected species. This will provide a basis for identifying opportunities for additional landscaping and enhancement of the wildlife corridor. There is a pleasant juxtaposition of water, trees and masonry to the rear of the ex-female prison. The qualities of this area should be acknowledged.

7.24 There is a small tourist cruise boat operating from behind the Castle Museum which travels north and east towards the Hungate area. There may be opportunities to develop a water based link between the Hungate and Castle Piccadilly sites, and the potential of the River Foss for water based transport should be investigated and discussed with City Council Officers in developing proposals for this area.

PR5 All areas**PR5.1 The area should be a vibrant 'living space' with pedestrian activity and an area for informal recreation and civic enjoyment.**

7.25 The regeneration of this area allows the opportunity for it to provide a public space to form the historic setting of Clifford's Tower and the Castle Museum/Court building. The masterplan should develop the concept of this being a 'living space' which encourages people to move into the area and appreciate the riverside and outstanding historic setting. Any proposals should incorporate the principles of natural surveillance, during the day and night, including the Crown Court and Castle Museum. Activity into the evening should be encouraged through the uses proposed and other measures such as lighting of the area. Subtle and imaginative lighting proposals should form part of the landscape scheme and complement the city's lighting strategy (see Chapter 15 - Safety, Security and Lighting).

7.26 Interactive uses at ground floor along main pedestrian routes will spread the flows of people into and out of buildings. Views into a building provide interest to passers by and make its function apparent, while views out, put 'eyes on the street' and contribute to safety. It will not be appropriate therefore for development to turn its back on the pedestrian areas. The location of entrances should be clearly identifiable and should be a focus of architectural interest.

PR5.2 A landscape scheme should integrate the area with the city centre and increase pedestrian activity and accessibility.

7.27 The design of any masterplan proposals should 'pull' the complex of castle buildings towards the city centre through the design of external space. A memorable pedestrian route should be provided as part of an integrated landscape scheme. Desire lines through the site should be accommodated and linkages with surrounding areas improved.

PR5.3 The proposals must be of high urban design quality and provide a place that people will want to use.

7.28 The historic setting of this area is unique. The public realm proposed should therefore reflect this architectural quality. The creation of a substantial civic and open space adjacent to Clifford's Tower and the Castle Museum/Court buildings will attract investment and tourism benefits to the area. The intention is that this open space will be an attraction in itself due to the quality of its design and layout.

7.29 The design of the public space should be used to connect the Castle Precinct with Clifford's Tower and the River Foss.

PR5.4 Any buildings should be of high architectural quality, respect the scale and massing of adjoining areas and the historic setting of the area.

7.30 The Council will seek high architectural design quality and materials for the redevelopment of this area. Successful design within historic areas relies on considering more than the use of 'traditional' materials and detailing with topography, scale, mass, style and materials all relevant to the consideration of the existing historic urban form and landscape. Contemporary approaches must reinforce local distinctiveness.

7.31 Redevelopment of this area will result in a close relationship between old and new buildings. The materials used in the public realm areas should be considered in relation to the adjoining buildings and be sensitive to the historic environment. The emphasis should be on quality and providing interesting streetscape, which is also functional. Street furniture and signage should be kept to a practical minimum to prevent street clutter. New tree planting should be maximised with native species used in areas adjacent to the River Foss. The Council have a paving strategy and advice on this can be sought from the Council's Conservation & Sustainable Development officer (see contact list).

PR5.5 Views and connectivity should be enhanced.

7.32 The design of the external space should improve the connectivity between the city centre, the proposed new uses and the Castle area. Views between the sub-areas should be enhanced, where possible. See Chapter 8 (Views) for more detailed guidance on this issue. In particular, new points of penetration must be provided to facilitate the creation of the retail circuit, enable access into the site, reduce homogeneity of the block, provide additional vantage points particularly in relation to the river, create views and accommodate desire routes west-east across the city. A few well positioned routes, rather than a proliferation, would be preferable.

PR5.6 Scale, Massing and Height

7.33 Design solutions should be urban in character and of a form that reflect their location, especially within the proximity of the Castle precinct. The actual scale and maximum acceptable heights will be dependant upon these factors, and early discussion with Council Officers is encouraged in order to achieve a good solution in this area.

7.34 In order to follow the advice given by CABI and English Heritage in a joint publication "Building in Context", a successful project will:

- Relate well to the geography and history of a place and the lie of the land
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are high in quality
- Create new views and juxtapositions which will add to the variety and texture of the setting

8. VIEWS

8.1 Views and vantage points are intrinsic to townscape interest and quality. They play an important role in the interpretation of urban structure and they facilitate orientation and strengthen memory. The overall scheme should enrich views within the area so if any significant views are lost they should be compensated for in new views created.

8.2 Of particular significance are the following;

a) The vista from Clifford's Tower and surrounding mound

There is scope for transformation of the immediate foreground. Long views onto Navigation Wharf & St Deny's church tower must be preserved. Massing, roof modelling, materials (the selective use of green roofs could be considered), should make a significant contribution to the enjoyment of this outlook. The skyline is currently interrupted by the Ryedale building. Any proposals to address the dominant and negative impact of this building, particularly in relation to its impact on the Castle Area, and to recreate a vibrant street scene in this area, will be encouraged. A clear view from Clifford's Tower to the River Foss must be maintained

b) The view of the Castle Precinct from Tower Street

This is the main civic and ceremonial approach to the Castle Area. Clifford's Tower has lost its command of the landscape and structure around it. The silhouette of Clifford's Tower should be protected.

c) Views out from the Castle courtyard (Eye of York)

The whole of the complex can be seen at once from inside the space. St Mary's church spire adds depth to the perspective and the cupola of the Magistrate's court, Clifford Street, peeps from behind the other side of the mound. The opportunity must be seized to repair the spectacular view as one exits the Castle Museum or the Crown Court.

d) Views from Castlegate

From the elevated vantage point of the south end of Castlegate the open panorama of the Castle is revealed.

e) The prospect from Piccadilly bridge

The bridge breaks the wall of recent development allowing spectacular views of the Castle area buildings, filtered through riverside trees.

f) The prospect from Foss bridge

This long view includes the silhouette of Clifford's Tower against the sky.

g) Rear of Crown Court and Castle Museum

Views onto the rear of the Castle walls, especially from Castle Mills Bridge and the east bank should be enhanced (see Chapter 16: Safety, Security and Lighting).

h) Views along the Foss from rear of Coppergate Centre

Greenery providing river and other wildlife habitats is channelled in this view. It offers respite from the enclosure of adjacent streets

i) From Skeldergate Bridge/Bishopgate Street

Views towards the Castle Museum complex and Clifford's Tower.

8.3 Views are an important consideration in developing new routes, designing buildings and in adapting the existing environment. Redevelopment will inevitably result in the loss of some views but will also provide the opportunity to provide new views into and within the area. Changes in levels, lighting, and emphasis of scale or detail should be manipulated to enrich a sequence of views. For instance:-

j) South elevation of Coppergate Centre

Selective views could be provided by opening up the rear wall of the Coppergate Centre.

k) From new bridge link/s

The siting of new crossings would afford fresh vantage points.

l) Routes W-E from Piccadilly

Views and viewpoints are important criteria in the creation of permeability through this urban block. Node points could be introduced.

m) Buildings and the river environment

Buildings could be designed to exploit a range of interactions with the river from both inside and outside their external envelopes.

9. ECOLOGY AND LANDSCAPE FEATURES

9.1 A Landscape Assessment and Ecological Appraisal will be required to be undertaken at an initial stage of the design process and accompany any proposals for the site. This will be used to identify any areas of value which should be retained and protected and to establish any ecological enhancement opportunities. This ecological enhancement should be incorporated into the design of all aspects of development both the built environment and open space and landscape. The existing ecology and landscape features are analysed below.

River Foss

9.2 The ecological value of the area is relatively limited with the majority being built environment, the river being canalised, heavily silted, with sheet piling sides and buildings which are vertical from the waterside. The sides of the channel support little mural vegetation although during the spring and summer silver birches, scrub vegetation such as Buddleia, ferns and flora grow on the banks and riverside walls. During development it would not be possible to retain all of the existing vegetation that has set seed within the rear wasteland banks. Nonetheless, this aesthetic should be replicated and added to in a designed and manageable form.

9.3 The aquatic vegetation is mainly yellow water lily with little if any marginal vegetation. However, fish stocks are high with Roach, Rudd, Bream, Perch, Pike and Tench all being recorded. There is potential for River and Sea Lamprey to be present (currently present in the River Ouse). The river corridor does allow for wildlife movement and Kingfishers and Otter have been seen in the area with the latest recorded sightings taken in the summer of 2005. There are though significant opportunities to enhance the overall biodiversity of the area through careful design.

Trees

9.4 There is scope for greater tree cover within the area to provide a landscape context, scale, frame views and increase visual associations with surrounding areas, such as Tower Gardens. Trees can provide a backdrop, create a setting, define/divide areas, provide character, amenity and reduce the negative impact of the scale of a building, provide interest at street level and soften the urban environment.

9.5 A detailed tree survey of all the trees within the site boundary was carried out by the local authority in December 2004 to establish the size, age and condition of the trees, and hence their desirability for retention. The trees are valued by retention category A to D, A being the most desirable for retention and D being recommended for removal.

9.6 Some of the trees are not worthy of long-term retention. Every effort should be made to retain the best trees, in terms of their quality, long term amenity value and viability, namely the category A and B trees. The lower category trees, if safe or made safe, should be retained where suitable but should not place an unreasonable restriction on the design concept. If any trees are proposed for removal, it is expected that replacement planting would more than compensate for the loss. Such compensation will be assessed on the existing and proposed trees' current and long term amenity value, suitability to location, taking into account the mature height and spread of the trees, suitability of species and their strategic visual effect. Not only should the crown spread be considered but also the root spread and depth, especially in relation to structures and service runs.

9.7 Existing trees to be retained should be compatible with the proposed development, such that there is no risk of damage to the trees; excessive shade is not a problem in

relation to neighbouring uses; there is no likelihood of future subsidence claims; and there is no perceived threat due to size and proximity of tree to property. The retained trees should be incorporated into the public realm in order to retain the trees' public amenity value.

10. ARCHAEOLOGY

10.1 This site lies within the Area of Archaeological Importance (as identified in the Development Control Local Plan). It is in an area which has produced Roman, Anglo-Scandinavian and medieval deposits of national importance. Part of the area is included within the Scheduled Ancient Monument of the Castle Precinct (Monument No. 13275 York Castle: motte and bailey castle, tower keep castle, including Clifford's Tower) and site of part of a Roman-British fort-vicus and Anglian cemetery. An application to the Secretary of State for Scheduled Ancient Monument Consent for any development within the area covered by the Scheduled Ancient Monument (see Map 6) will be required.

10.2 A detailed Archaeological Mitigation Strategy for any proposed development would be required prior to development taking place and would form part of a Section 106 agreement. All archaeological and construction works must be carried out in accordance with the contents of the agreed Archaeological Mitigation Strategy. English Heritage have indicated their agreement with this approach. A description of the archaeology in the area is outlined in Appendix 3.

10.3 Any development proposals for the Castle car park area will have to adopt one of two approaches. One, that they will have a minimal impact (less than 5% destruction) on the deposits relating to the cemeteries, the area between the 1939 basement and the basement to the Fenwick's Department Store, and the medieval ditch. Or two, that a detailed, fully resourced archaeological project covering excavation, post-excavation analysis, publication, archive deposition, and community involvement is carried out prior to development taking place. Agreement for the provision of a detailed project design would be expected as part of any proposals. Community and tourism benefits arising from this should be explored and will be promoted where possible, particularly with York schools.

10.4 In the Piccadilly area any new development should be designed so that it will minimise disturbance below 6.5m AOD. Any intrusions, apart from the piles, which go below this level must be individually agreed with each intrusion being excavated archaeologically prior to development commencing in this area. The design and layout of the foundation system must be agreed and submitted as part of any planning application. Only up to 5% of the archaeological deposits in this area would be agreed to be excavated in terms of foundation systems, service connections or other intrusions.

10.5 It will be very important to ensure that the archaeological deposits which will be preserved underneath the new development are maintained in their current water-logged anaerobic state. In order to maintain these conditions, there must be no contiguous perimeter piling system. A programme of monitoring of archaeological deposits to cover water levels, water quality and gas production on the site must be agreed and installed prior to development taking place. Monitoring must take place for a reasonable period prior to the commencement of development work, during construction work and for a period of ten years after development has been completed. A detailed monitoring strategy and access requirements will be required as part of a Section 106 agreement. Early discussion with the Council's Archaeologist is recommended (see contact list).

11. SUSTAINABLE TRANSPORT

Hierarchy of Transport Users

11.1 The hierarchy of transport users set out below reflects the approach taken in the Development Control Local Plan and the Local Transport Plan, which is to reduce car traffic and support movement by foot, cycle and public transport.

- (i) Pedestrians
- (ii) People with mobility problems
- (iii) Cyclists
- (iv) Public transport users (includes rail, bus, coach & water)
- (v) Powered two wheelers
- (vi) Commercial/business users (includes deliveries and HGV)
- (vii) Car borne shoppers and visitors
- (viii) Car borne commuters

Pedestrian Links

11.2 York has one of the largest pedestrian zones in Europe, known as the 'footstreets'. This covers the main shopping area within the city centre and extends southwards as far as Coppergate. Pedestrian links with the footstreets and the rest of the city centre should be enhanced and priority given to pedestrians to provide coherent, continuous routes of a high standard. Accessibility should be considered early on in the design of any proposals to comply with the Disability Discrimination Act (see Chapter 17: Accessibility).

11.3 The needs of pedestrians in any new development will be assessed in a pedestrian audit, undertaken by the Council, in assessing whether a development is 'pedestrian friendly' (see document list, Local Transport Plan). Access routes should be safe, direct, and convenient with full access for those with mobility difficulties as an integral part of the design. Safety and security issues, for example maximising overlooking of public walkways, ensuring these are well lit, avoiding blind corners are considered particularly important, as are access, design, construction and maintenance considerations. Advice given in Safer Places: The Planning System and Crime Prevention (ODPM) should be referred to together with the Secured by Design initiative (see document list). Safety and security issues are also referred to in more detail in Chapter 15 of this brief.

11.4 Existing pedestrian routes within the area are outlined in Map 8. This plan also indicates routes which the Council consider to be particularly important for pedestrians and any proposals should seek to enhance the pedestrian environment for these. These routes are:

- Crossing Coppergate and into the Central Shopping Area
- To Parliament Street, along Piccadilly
- To the River Ouse, across Tower Gardens
- To Walmgate, via Merchantgate
- Across the area to the Castle Museum
- Along the River Foss, as part of the River Foss Walkway Strategy
- Towards the Ouse Bridge and onto York station
- To St Georges Field car park
- To Hungate
- Castle Mills Bridge Underpass

11.5 It is envisaged that the improvement and enhancement of pedestrian linkages between Piccadilly and the Castle areas will involve the introduction of a pedestrian/cycle bridge or bridges across the River Foss (see Map 8). The crossing points on this map follow the proposals map (Map 5) and are for indicative purposes only in terms of their siting.

11.6 There is a change in the character of the city centre moving from Parliament Street/Coppergate, into Piccadilly. The Council is looking to improve the public realm of Piccadilly and Coppergate by giving priority to pedestrian use, as opposed to vehicular movements as currently exists, in line with the hierarchy of transport users outlined in the Local Transport Plan. Environmental improvements, including widening pavements, resurfacing of pedestrian areas, tree planting, and bus stops with associated waiting facilities will be sought. Developer contributions to these improvements will be sought as part of any proposals. A number of bus routes have bus stops in Piccadilly, which serves as a main central pick up/drop off point within the city. The integration of pedestrian linkages with public transport facilities should be enhanced with improved crossing points.

Cycling

11.7 The City has extensive on-road and off-road cycle routes and is regarded as one of the most cycle friendly cities in the country. This is reflected by high levels of cycling relative to other cities in the UK (12% of journeys to work compared with the national average of 3%). The existing cycle routes in this area are shown on Map 7.

11.8 Cycling is a sustainable, non-polluting, quiet and healthy form of transport. It is therefore supported by the Council and will be strongly promoted in the design of large areas for development such as this. The Council is currently revising its cycling strategy which will continue to ensure that the needs of cyclists are taken into account in development schemes. Provision of secure, sensitively sited public cycle parking provision, visible from public areas, will be sought in any proposals.

11.9 Opportunities should be taken to improve the local cycle network providing cycle paths or routes within the area wherever possible, although careful consideration should be given to the desirability of providing shared pedestrian and cycle access along the riverside. Where cycle paths are provided these should be safe, sensitive to and integral to the local environment and landscape design. Opportunities should also be taken to provide links (see Map 7) to cross the River Foss and link in with the wider cycle network across the city. Safe pedestrian/cycle routes to schools, arising from residential accommodation being provided in the area, should also be taken into account.

Public Transport

11.10 The Castle Piccadilly area is identified as offering significant opportunities for transport improvements as identified in the draft Bus Strategy included as part of the emerging Local Transport Plan II. The development of bus-based high quality public transport is one of the key themes of the strategy. In the immediate vicinity of the Castle Piccadilly area, Piccadilly, Tower Street, Stonebow/Pavement, Clifford Street, are the main city centre stops for the majority of the central bus services, including Park and Ride to the Askham Bar, Grimston Bar and Monks Cross facilities. These offer direct, high frequency services on main radial routes into the city.

11.11 As development of this area is expected to increase travel demand, developers will be required to contribute to new infrastructure or additional public transport facilities. Developers should seek to maximise the accessibility of any development through a range of public transport facilities, including provision for waiting areas and taxis stops and the integration of different modes e.g. bus links to the rail station.

11.12 The opportunity should be taken to upgrade the current bus stops to create a more formalised public transport interchange in the area. Bus stop and shelter facilities must accommodate real-time information facilities BLISS (Bus Location Information Sub System) as part of improvements for public transport. In Piccadilly the Council will seek to improve journey times and reliability of bus services. Options could include a bus gate at the Fishergate/Piccadilly junction. Developers are advised to contact the Council's Transport Planning Unit (see contact list) to discuss proposals.

Travel Plans

11.13 Travel Plans are used as a 'soft measure' by the Council to achieve a reduction in car usage by encouraging sustainable transport modes for people commuting to work and in connection with work business. They identify ways in which sustainable transport practices can be developed and promoted by individual companies for its own employees and visitors. The Council wishes to promote sustainable travel within the city and this concept is supported in the public views expressed and the guiding principles produced by the Reference Group.

11.14 A Travel Plan will be required as supporting documentation for any planning application for development, where more than 30 people would be employed. Where a particular occupier is not identified at the planning stage a condition would be attached to a planning consent requiring a Travel Plan to be submitted. Any subsequent occupiers would need to submit and agree their travel plan within a specified time-frame (e.g. within 6 months of occupation). There will be requirements for on-going maintenance set against targets. Guidance on the preparation of Travel Plans is available from the Council's Transport Planning Unit.

12. CAR PARKING AND HIGHWAY ISSUES

12.1 The existing car parking in the Castle car park and Piccadilly provides short term parking for the City Centre. Such parking is considered important in terms of its use by shoppers and those, especially in the evenings, who contribute to the cultural, social and economic vitality of the city centre.

12.2 The Council is however seeking to reduce the amount of car traffic into the city centre. A mechanism to achieve this is by controlling the number of parking spaces provided and the periods of availability, whilst increasing the number of spaces at Park and Ride sites. It is therefore considered important that, whilst existing parking is re-provided within the vicinity of this area (either within or immediately adjacent to the development site) the Council is not expecting to see any overall increase in parking provision.

12.3 A full Transport Assessment will be expected to be submitted as part of any planning application for this area. It must be demonstrated that the local highway network can accommodate the amount of traffic likely to be generated by the development.

12.4 Car parking areas should be well lit and covered by CCTV to ensure maximum levels of safety and security for users. New car parks should be built to 'gold standard' secure parking.

Servicing

12.5 All service and delivery functions should be considered at the initial design stage to ensure that service yards and waste/recycling facilities are convenient to use and do not have a detrimental impact on the amenities of the Conservation Area. Developer/s should examine alternatives for servicing the area from the Piccadilly side of the area with limited servicing only from the Castle area. The Council will expect the impact of servicing to be minimised. The entrances to service yards must be designed to minimise their impact and be capable of being closed off when not in use to avoid large openings in a façade.

13. FLOOD ALLEVIATION AND DRAINAGE

13.1 The entirety of the Action Area and the majority of the area covered by the brief falls within flood zone 3 as defined in Planning Policy Guidance Note 25: Development and Flood Risk (PPG25). An extract from the Environment Agency flood zone map is included on Map 10. Flood zone 3 is a high risk zone, with a probability of flooding each year which is 1% or greater. The site has flooded in the past, most recently in 1982 and 2000. Following the 1982 flood, a flood barrier and pumping station were constructed on the Foss, designed to protect the catchment of the River Foss from flooding in a 1:100 year (1%) occurrence. However, modelling carried out after the 2000 flood showed that the protection offered to the area by the defences had decreased to 1 in 90, below the national standard. For this reason the area remains within flood zone 3 despite the flood defences.

13.2 In accordance with PPG25 and Development Control Local Plan Policy GP15a a flood risk assessment should be submitted with the planning application. PPG 25 establishes that the Environment Agency has the lead role in providing advice on flood issues, at a strategic level and in relation to planning applications. Developers are therefore strongly advised to seek the advice of the Environment Agency at the earliest opportunity. Consultants for the Agency have recently completed a report on the River Foss which contains information on flood levels which developers may wish to use.

13.3 The flood risk assessment should as a minimum contain:

- An assessment of the impact of development on the watercourse and surrounding area
- A detailed topographical survey (to ordnance datum) of the existing site
- Detailed plans (to ordnance datum) of the proposed site levels and ground contours
- Details of the floor and critical infrastructure levels (including bridges/walkways and soffit levels)
- Examination of the proposed site contours in relation to flood flow routes and levels, and access to and from the site
- Surface water run off and other drainage issues

13.4 The River Foss is designated as a main river and as such the written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Foss. Bridge structures must not obstruct flow in the watercourse or hinder access for future maintenance. Bridge soffit levels and flood spans should be more than 1 metre above the 1 in 100 year flood level in order to allow floating debris to pass freely. There are bridge head room standards to meet in terms of navigation requirements along the Foss, and an information sheet on bridges is available from the Environment Agency. City of York Council is the navigation authority for the river Foss and is responsible for the management of navigation along it.

13.5 On the statutory sewer map there are two sewers recorded to be crossing the site. Yorkshire Water Services would normally require a 6.5 metre easement to either side of the trunk sewer in Piccadilly, however they have indicated that there may be scope for allowing building over this provided an agreement is entered into which protects their interests and allows for future maintenance. Engineering details regarding construction (e.g. loads, piling techniques, headroom etc) would be required, to be agreed by Yorkshire Water Services.

13.6 The site should be developed with separate systems of drainage for foul and surface water. The local public sewer network does not have the capacity to accept additional discharge of surface water from the site. The developer is advised to contact the relevant

drainage authority with a view to establishing a suitable watercourse for the disposal of surface water, which is likely to be the River Foss. Surface water run-off should be restricted to no more than the existing discharge rates in accordance with Environment Agency requirements. As a result, surface water drainage may require on-site storage.

14. NOISE, CONTAMINATION AND AIR QUALITY

Contaminated Land

14.1 Planning Policy Statement 23 (Planning and Pollution Control) requires the Council to consider the impact of contaminated land on any proposed developments. Policy GP6 of the Development Control Local Plan states that the possibility of contamination should be investigated and, if found necessary, proposals for dealing with this outlined as part of a planning application.

14.2 The Castle Piccadilly area has not had a long industrial past, but a review of trade directory information has highlighted the previous land uses of a steam saw mill, garages, timber merchants, cement merchants, petrol stations and engineers, dating between 1897-1975 along the east (Piccadilly) side of the Foss. These previous uses are not exhaustive but demonstrate the wide variety of contamination which may be present on the site.

14.3 A site investigation will be required if the detailed desk top study identifies any potential areas of contamination. Any investigative work should be undertaken in accordance with British Standard BS 10175: Investigation of potentially contaminated land, Code of Practice. The results of such an investigation and any risk based remedial action required should be discussed with the City of York Council Contaminated Land Officer prior to any implementation.

14.4 Although there are no reasons currently known which would prohibit development of this area and it is not expected that any contamination on site would be widespread or extensive, it must be shown that the site is remediated if any contamination is found, in line with current policy and guidance.

14.5 When considering remediation of the site all receptors outlined in Part 11A of the Environmental Protection Act 1990 should be considered. Of predominant importance on this site are the archaeology, controlled waters and human health. Additionally, on a site of this size, the remedial strategy should give full consideration to sustainable technologies. The timing of any contaminated land investigation and remediation depends on the development proposed and time scale of implementation of any planning permission. Consideration should be given to the phasing of such work if they are necessary. It is likely that should any investigative work and remedial or mitigation measures be necessary that this would be included in conditions attached to a planning permission.

Noise

14.6 In accordance with the advice in PPG24 Planning and Noise, the Council will seek to ensure noise sensitive developments are separated from major sources of noise and ensure new development involving noisy activities is, if possible, sited away from noise sensitive land uses.

14.7 Any development in this area has the potential to result in a range of noise issues, including the following, which should be addressed in any planning application:-

- Noise from demolition and construction on the site which has the potential to impact on existing neighbours. Future occupants may also be affected where construction work is still in progress before completion of the development;
- Traffic noise arising from the development may affect existing residents and commercial users;
- Existing traffic noise may affect future residents and other occupants of the proposed development;

- Noise from deliveries to future commercial elements of the development and for waste collection points have the potential to affect existing neighbours and future residents of the site. This issue should also be considered at the design stage of service yards and waste/recycling facilities;
- Noise from any commercial activities, in particular those in Class A3/A4 use, may affect current neighbours and future residential occupiers;
- The impact of vibration generated by demolition and construction activities upon historical buildings in the area, such as Clifford's Tower, will need to be given special consideration and be addressed at the application stage;
- Noise from any fixed plant and machinery that forms part of the proposed development may impact upon current neighbours and future residents, especially where they form part of the same building.

14.8 In addition to these issues, the following must also be given full consideration as part of any design solution and subsequent planning application:

- Building use that is sympathetic to neighbouring uses;
- Site layout and orientation of buildings (e.g. delivery yards);
- Internal layouts of residential and commercial premises;
- Noise insulation through construction methods/materials.

Air Quality

14.9 An Air Quality Management Area (AQMA) for York was declared in January 2002 due to predicted annual average nitrogen dioxides levels being exceeded of the annual average nitrogen dioxide objective. The area adjoins a part of this area with the following roads included in the AQMA, Piccadilly, Fishergate, Tower Street, Skeldergate Bridge and Bishopgate.

14.10 Policy GP4b of the Development Control Local Plan on Air Quality states that for development inside an AQMA an assessment of the impact of any proposals will be required. For development outside an AQMA the impact will need to be assessed in certain circumstances. It is likely that an Air Quality Impact Assessment will be required in relation to development within the area and this will form part of the Environmental Statement. Due to the proximity of the site to the AQMA boundary it is recommended that any air quality impact assessment work is undertaken using a complex dispersion model such as ADMS- Urban or Aquire. An early discussion with the Council's Environmental Protection Unit is recommended (see contact list).

14.11 Where residential properties are to be introduced they must be designed in a manner that will minimise exposure of residents to pollutants. This can be achieved by locating 'habitable' rooms and balconies to the rear of road frontages.

14.12 Where mitigation measures are required developers will be required to enter into a S106 Agreement to implement measures to offset any increase in local pollutant emissions and/or make an appropriate financial contribution towards the monitoring of air quality in the city.

15. SAFETY, SECURITY AND LIGHTING

Safety and Security

15.1 The ODPM companion guide to PPS1 'Safer Places: The Planning System on Crime Prevention' states that designing out crime and designing in community safety should be central to the planning and delivery of development. Policy GP3 of the Development Control Local Plan outlines that new development will be encouraged to incorporate crime prevention measures. Reference should therefore be made to this policy in developing any proposals for the area. The Council is also in the process of producing a Supplementary Planning Guidance Note on 'Designing out Crime' and it is anticipated that this will be available for public consultation in July 2006.

15.2 This guidance advocates a mix of uses in town centre locations which provide public spaces with active and passive surveillance over a longer time period. The principles for the design and layout of buildings and spaces outlined in the SPG should be taken into account in developing proposals for the area. Specific advice for the design of car parking areas should also ensure entry/exit points open directly to the street/main access point, overlooking is maximised and parking bays, paths and circulation routes are well lit and direct. The City of York Council's Highway Design Guide includes specific advice on safety and security. As outlined earlier in para 11.3 the advice given in Safer Places: the Planning System and Crime Prevention should be referred to together with the Secured by Design initiative (see document list).

15.3 The use of lighting and CCTV will reduce crime and the fear of crime in an area and contributions for these measures may be sought as part of a S106 agreement. Good quality urban design and an interesting high quality architectural environment will be sought for this area and all security measures should be consistent with the principles outlined throughout this brief.

Lighting

15.4 A creative approach to lighting which would transform the area in the evening is sought. The lighting strategy should be considered as an integral part of the landscape design taking account of the need to reduce the impact of light pollution. The City Lighting Strategy, which promotes better, more efficient and effective use of light (rather than bright lights), should be considered as an integral part of the landscape design.

15.5 York Light, a two year project to light several of the City's major buildings, heritage sites, streets, parks, open spaces and riverside walks is currently being progressed to use lighting to improve the ambience of the city centre in the evening. This includes the lighting of Clifford's Tower and a number of buildings in Castlegate including: St Mary's Church, Fairfax House, and Castlegate House. The design of the scheme has been prepared by lighting consultants, 'Urban Lighting Group'. The group have also produced a ten year plan which will include other buildings and streets within the city and include new lighting events. It would be desirable to contribute to this initiative by improving the architectural lighting of the Castle buildings facade. In particular, lighting should also highlight the southern views of the castle buildings from the Skeldergate bridge, to draw people into the area. Statistics have shown that excellent lighting greatly improves safety and the perception of safety in urban areas during the evening. More information on 'York: Light' is available from the Economic Development Unit (see contact list).

15.6 Use of the area in the evening should be addressed in the design and lighting of public areas. The possibility of extending the opening hours of Yorvik, the Castle Museum and

Clifford's Tower is currently being considered by their respective operators. The late opening of shops, cultural facilities and public events are recognised as ways of increasing the use of town centres by a range of age groups in the evening. The lighting of public spaces is an important way of increasing the use of the City into the evening and enhancing the attractiveness of its historic areas.

15.7 Developers are advised to consult with Council Officers at an early stage in formulating proposals for the lighting of public areas. The provision of a lighting scheme may also be part of public art proposals for the area. Given the architectural and historic importance of the adjoining areas any scheme should be of high quality and enhance the setting of buildings both within the development and in the vicinity.

16. PUBLIC ART

16.1 The area already includes buildings of exceptional historical and architectural quality. The Council will seek the highest quality of design in public art which will enhance the distinctive character of this area. It is likely that the provision of public art will be sought as part of a S106 agreement and the Council should be consulted on the design and implementation of the works proposed.

16.2 The Council has a Public Arts Strategy (1998) which seeks to promote the use of public art provision within the city. Public art is seen as an important element in reinforcing a particular identity in an area and promoting its attractiveness and use by people. The Council is looking for public art to be provided by the developer/s which may be art that is integral to the design of the development e.g. the re-interpretation of the public realm/landscape framework in relation to the civic buildings, a designed entrance or as a separate work of art. There is also an opportunity here, given the area and context, for works derived from the history and archaeology of the area. The potential for open and civic space being suitable for performance and events should be explored.

16.3 The art work should be developed at an early stage in the formulation of proposals and be integral to the overall design concept. The artist/s should be appointed at the outset to work with architects, engineers and landscape designers. The Council will work with developers to produce the Public Art brief(s) and ensure that the local community are involved in the development of public art proposals.

17. ACCESSIBILITY

17.1 The inclusive design of provision for disabled people should be carefully considered at an early stage and discussions with the Council are encouraged. Development proposals should consider internal spaces and facilities, the spaces between and around buildings, links to other areas and routes within, through and surrounding the area. A disability audit or impact assessment should form part of the design proposals as they are developed.

17.2 All public spaces and buildings must be fully accessible to those with disabilities. Further requirements should be obtained from the Disability Discrimination Act (2005) and Part M of the Building Regulations 2004. These requirements represent the minimum standards acceptable for development. The opportunity should be taken to achieve imaginative and flexible solutions to create higher levels of accessibility. The Gateshead Access Panels' "Designing to Enable" Guide is recommended to be followed⁴, as is 'Designing for Accessibility' a joint publication between the Commission for Accessible Environments and RIBA Enterprises (see document list).

⁴ Gatehead Access Design Panel's "Designing to Enable" is due to be updated in 2006

18. LOCAL SKILLS AND TRAINING OPPORTUNITIES

18.1 Social enterprise is a key component of the Economic Development Strategy for the city. Ensuring that there is a range of jobs available to suit the skills of the local people together with skills training to ensure local people have the necessary skills to compete for available jobs is crucial to combat social exclusion. The developer will be expected to work with the Council at the masterplanning stage to ensure that the development is linked to the economic development objectives of the Council, reflects the need for lifelong learning and addresses social exclusion in the jobs market.

18.2 There is potential for job creation opportunities in the area in both the construction phase and in the finished development. The Council will require the developer to enter into a Section 106 agreement to ensure that skills training is linked to development to ensure local people can take advantage of employment possibilities and encourage the use of voluntary local labour agreements with developers. It will be important to establish a local employment principle for the site within the masterplan framework.

19. DEVELOPING PROPOSALS

Public Consultation

19.1 The Council wishes to engage the widest possible range of interests, particularly those who do not usually participate in planning to be involved in the process for the development of this area. To be successful the redevelopment of this area will need to provide for the needs of the people who will use it and reflect the aspirations clearly shown in the initial consultation stages of being a useable and vibrant environment.

19.2 Pre-application discussions any developer(s) will be expected to outline and agree with the Council proposals for community involvement in the development of options for the area and for continued involvement in the process of redevelopment. It will be vital to ensure that the community is involved at the earliest possible stage to aid meaningful engagement and to build a sense of ownership. This is in accordance with the emerging Statement of Community Involvement, which is being prepared to set out the councils approach to the Local Development Framework and major planning applications.

19.3 In developing this draft Planning Brief the Council has actively sought views from the community which has informed the guidance given (see Appendix 4). Continued participation with the development of the options and proposals should be actively promoted by the developer/s building effective communications between them and local communities, allowing concerns to be better addressed and improve the understanding of possibilities. Any planning application should be accompanied with a formal statement outlining the consultation undertaken, the views expressed in this and how the proposals have been developed in response to these.

Masterplanning

19.4 The redevelopment of the area should be considered comprehensively in the context of a masterplan. As a large site in the southern part of the city centre this will need to demonstrate how development will relate to the contrasting urban form of development surrounding the area.

19.5 A masterplan will provide the context for detailed design proposals. It is expected that one agency will develop the scheme masterplan and that different architectural practices will design key elements within this. The use of different architectural practices for the submission of detailed designs will be encouraged.

19.6 Prior to a masterplan being submitted different conceptual approaches for the development of the area should be considered and public consultation should be undertaken on a number of alternative proposals before a preferred option is submitted. The developer of the masterplan will be expected to liaise through the local authority with both the Commission for Architecture and the Built Environment (CABE) and English Heritage in the development of any designs.

19.7 A survey of the area should inform an urban design appraisal of the area and its surroundings. This should accompany the masterplan. The appraisal should demonstrate an understanding of the operational flows in the area and assess the townscape characteristics. The Castle Piccadilly conservation area appraisal should be a core background document in this process. The appraisal should also identify the potential for improving the urban structure. The developer(s) are advised to have regard to the advice and principles for good design outlined in 'By Design' by the CABE and the DETR (see document list). Reference should also be made to further publications by CABE, including: Design Reviewed

Masterplans, Design Reviewed Town Centre Retail and Building in Context (a joint publication between English Heritage and CABE). It is expected that the proposals will be reviewed by the Design Review Committee of CABE.

19.8 The context of the proposals should be fully detailed on any plans showing the scale and massing of proposed buildings in relation to adjoining buildings and the street context. Illustrative perspectives of the area will be expected in the more detailed design stage. Models (with accurate heights and dimensions) should be used throughout the schemes development and be available for viewing by the public during consultations. Whilst the development of the area may be phased the Council will seek the requirements set out in the section titled 'Planning Obligations' (below) to be agreed as part of a S.106 agreement accompanying the planning permission.

19.9 Design Statements should accompany all planning applications. Statements should explain the design philosophy underpinning the scheme. They should outline the development of the main design ideas and explain the critique applied to them. They should include an explanation of how proposals relate to the wider environment, their immediate context and also the socio-economic and environmental conditions pertaining. Annotated illustrations should be included.

Environmental Impact Assessment

19.10 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 require an assessment of the likely significant environmental effects of a development to be incorporated in a report known as an Environmental Statement. It is likely that an Environmental Statement would consider the following issues: sustainability, historic and cultural heritage, ecology and wildlife, archaeology, visual impact, hydrology, noise and vibration, air quality and contaminated land.

Planning Obligations

19.11 Policy GP13 of the Development Control Local Plan outlines that the Council will, where appropriate, enter into Section 106 agreements with developer/s. The following headings indicate areas where works or financial contributions are likely to be required. However, this list is not exhaustive and there could be other issues which arise in the consideration of detailed proposals,

- Provision of environmental, open space, public realm improvements and landscaping
- Maintenance agreements for open space/public realm and landscaping
- Transport contributions towards sustainable travel measures/infrastructure improvements e.g. Green Travel Plan, additional bus/park and ride facilities, car club/bicycle club
- Improvements to/creation of Castle Bridge Underpass
- Public art
- Archaeology investigation, research/interpretation schemes and display of material found during archaeological investigation.
- Public safety and security measures e.g. CCTV
- Recycling facilities
- Air quality contributions, mitigation measures or monitoring
- Affordable housing
- Ecological measures for the protection of wildlife
- Lighting schemes in accordance with the lighting strategy York:Light
- Education provision (where necessary as a result of new residential development)
- Skills training for local people/use of local labour

19.12 In terms of educational provision this will be sought in line with the Council's adopted Supplementary Planning Guidance, 'Developer Contributions to Educational Facilities' (May 2002). This will be to ensure that adequate facilities are created or improved in the area to accommodate the requirements of additional school age children generated by new residential development.

Compulsory Purchase Orders

19.13 By designating the area as an Action Area the Council is looking to promote and guide the development of this part of the City Centre in a comprehensive and sustainable way. By doing so it is hoped that development proposals will be put forward to ensure the regeneration of this area is sympathetic to its historic context and provides an appropriate mix of uses. The designation of part of the area as an Action Area will also allow the Council to consider proposals for the area in a comprehensive manner and allow the planning benefits arising from this to be maximised. The Council will consider making a Compulsory Purchase Order, under S.226 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004, if it becomes necessary to assemble areas of the site before development can take place. However, the Council will seek to acquire land by negotiation in the first instance.

APPENDIX ONE: RELEVANT PLANNING HISTORY

A planning brief was produced in 1991 for an area which included the Castle car park, 36-50 Piccadilly and the Reynard's site. In this brief the Council set out the intention that the area should be brought forward for development and this should be carried out in a comprehensive manner. It identified the area as an important opportunity to strengthen shopping facilities within the City Centre and outlined the appropriate uses for the site, including a major element of retailing, short stay public car parking, offices, housing and leisure uses.

An architectural competition was held in 1992 to develop a master plan for the area. Terry Farrell and Company were chosen to be the preferred practice for this and a scheme was drawn up taking forward a number of objectives for the development of the area. Due to adverse market conditions however this was not progressed until 1998 when a planning application was submitted for the development of the area.

A planning application for 23 retail units and 105 flats was refused planning permission by the Council in 1999. The reasons for refusal were:

- 1) That the setting of the Scheduled Ancient Monument/Grade I Listed building of Clifford's Tower and the character and appearance of the Conservation Area would be adversely affected because of the proposed proximity of the development to Clifford's Tower.
- 2) The detailed design and height of the retail buildings fronting Piccadilly and the service road (MSU1 and MSU2) are considered to detract from the character and appearance of the Conservation Area because of the over-domineering effect they would have on the street scene and the amount of relatively unrelieved brickwork proposed. The design of these buildings and the soft/hard landscaping of Piccadilly adjacent to these buildings need to be reconsidered to reduce the apparent bulk and visual impact and provide an attractive street scene.

Nine informatives were also attached to the decision giving advice on the re-design of the scheme and the matters which should be addressed in any new proposals for the site. A copy of these informatives is available on request from the Council's City Development Team.

An application for the change of use of the Castle car park to public open space was considered in November 2000 and refused planning permission. The grounds for refusal included, the proposal being contrary to planning objectives for the area and shopping policies within the deposit Development Control Local Plan and the loss of the car park without any compensatory provision.

A further planning application and an application for Conservation Area Consent was made in May 2000. These applications were revised in October 2000 and comprised 24,256 sq m retail floorspace, 1,058 sq m restaurant area, 1,454 sq m leisure, 2,725 sq m residential, 1,087sq m offices, 200 sq m centre management area, 155 sq m of public toilets and 503 car parking spaces.

The Council recommended approval of the planning application in November 2000 subject to a number of conditions and the completion of a S106 agreement. The application was referred to the Secretary of State who decided to call the application in and hold a Public Inquiry. The Inquiry was held between January and August 2002 and the Inspector

recommended planning permission and Conservation Area Consent be refused. The Secretary of State agreed with the Inspector and refused planning permission and Conservation Area Consent in September 2003.

It was recognised by the Secretary of State in the consideration of the proposals for the second application that there was a need for the planning brief to be reviewed.

In September 2003 a planning application was submitted for the conversion of no.34 Piccadilly to form 14 flats and change of use of part of the ground floor to food and drink use. This application was withdrawn in March 2004.

On 13th May 2005 a further planning application was refused at no 34 Piccadilly for conversion to 14 flats with car parking in existing basement and change of use of part of basement to retail use. The reason for refusal was as follows:

The site is within the allocated area under Development Control Local Plan policy S1a for redevelopment, as the Castle/Piccadilly shopping site, and in a prominent location within it. Approval of this application would weaken the Council's case for resisting other individual development proposals at the Castle/Piccadilly site prior to the brief and comprehensive master plan being prepared and therefore would be prejudicial to the proper planning of the area.

APPENDIX TWO: HISTORIC DEVELOPMENT OF THE AREA

Importance of the Area

This section aims to give a broad outline of the area's historical development and how this is represented in surviving archaeological deposits, historic buildings and street layout.

The City of York is internationally famous for its history, archaeology and historic buildings. The castle and surrounding areas are important parts of this heritage. The Council expects that any new development of the site should respect and respond to its historic context. The first step to achieving this objective is through understanding the historical development and significance of the area's history and how this is reflected physically within the present urban layout. Such an understanding is explored within the draft Castle Piccadilly Conservation Area Appraisal.

York Castle

Medieval Period: 1068 to the 16th Century

Throughout the medieval period York Castle was in the control of the Crown and the centre of the everyday relationship between the monarchy and the City. It was the base of the Sheriff of York and the place from which royal revenue was collected, royal justice administered and if need be defence organised. It is within the medieval period that the relationship between the Monarchy and the City is at its strongest and this is in part reflected by the evolution of the site that exists today. It is interesting to note that the connection between Crown and the Castle is still present today through the Crown Court.

The history of the Castle starts with the Norman Conquest of 1066 and the subsequent years of struggle to impose order on northern England. The first castle in York was built by William the Conqueror in 1068 but destroyed the following year by the revolt of the northern Danes. The subsequent suppression of this revolt, the 'Harrying of the North', led to the rebuilding of the castle later in the same year. In the subsequent years, York was at the limits of Norman control acting as base for the creation of further power bases such as Durham.

The most obvious survival from this period is the motte or mound on which Clifford's Tower sits. This was one of two, the other being Baile Hill across the River Ouse in Bishopthorpe. A less obvious survival is the boundary of the Castle area which can be divided into two parts; the keep formed by Clifford's Tower and the motte and the inner bailey delineated by the southern course of Tower Street, the River Foss and the later Curtain Wall. The two parts were separated from their surrounding and each other by a moat, formed by damming the Foss at Castle Mills Bridge. The damming of the Foss also created the Kings Fishpond an artificial lake which provided a natural defence for the east of the City. Access to the Castle was through north and south gates. The foundations of the 13th Century south gate may still be seen, the north gate which was accessed from Castlegate was demolished to make way for the Felons Prison of 1825.

The Castle was fully or at least substantially destroyed by fire in a week long siege in 1190. This was the result not of war but civil strife in the form of an anti-Jewish riot. The Jewish community of York took refuge in the castle and the majority of the besieged committed suicide rather than be murdered by the rioters. This is the most infamous episode in the Castle's history and to this day Clifford's Tower has particular significance to the Jewish community.

Between 1244 and 1264 Henry III rebuilt the castle in stone at a cost of £2,450. Henry De Reyns was the chief mason and Master Simon, the chief carpenter. Clifford's Tower and part of the Curtain Wall date from this period. The former with its distinctive quatrefoil (four leaved) shape was probably designed by Henry De Reyns and is similar in plan to keeps in Ambleny (Aisne) and Etampes (Essonne) in France.

In 1298 Edward I used York as a base from which to launch his conquest of Scotland. In doing so he moved the government to the City. Whilst the King, government and troops were billeted throughout the city, the exchequer, treasury and part of the royal household were established within the Castle. York's role as the centre of government and a military base continued periodically throughout the war with Scotland, through the reigns of Edward II and Edward III. Between 1298 and 1335 fifteen parliaments were summoned to York. The Castle would have been a central location in this temporary elevation of York's status. York Castle is the only castle in England, other than the Tower of London to have housed the Royal Treasury.

At the end of the Scottish wars York's role as a centre for government ended and the City and Castle were never to see such a direct relationship with the monarchy again. The following centuries mark what appears to be a slow decline in the Castle's importance as the focus of national events moves elsewhere and the city obtains more independence from the Monarchy. Whilst a mint was established within the Castle in 1353 and lasted to 1546, documentary sources tell of repairs to buildings and structures, rather than massive rebuilding projects which one would expect if the Castle was of strong national importance. The only resurgence in the Castle's fortunes came in 1484 when Richard III partially dismantled parts of the Castle in order to rebuild; yet this project was curtailed by the King's death at the Battle of Bosworth a year later.

16th Century to the 20th Century

This period sees the gradual decline of the Castle as a defensive structure and an increased emphasis on administering countywide justice and politics. It is at this time that the Castle largely takes its present form and the first moves for its conservation are made.

In the same manner as preceding centuries, documentary sources from the 16th and 17th Centuries comprise of references to repairs and minor alterations, often implying a general neglect of the Castle, especially as a functioning defensive structure. One particular incident of note is in 1596 when the gaoler of the Castle Prison, Robert Redhead demolished a flanking wall, the bridge to the motte and part of Clifford's Tower. He was stopped by the City Corporation, who petitioned the Lord Treasurer and Chancellor of the Exchequer. Their reasoning was not to retain the defensive capacity of the Castle but rather in order to preserve what they stated was 'an especial ornament in the beautifying of the city'. This must be one of the first attempts to preserve a monument within the history of York and the country.

In the 1640's, during the English Civil War, the Castle was garrisoned by Royalist troops under the command of the Duke of Cumberland. Whilst the city was besieged the Castle did not encounter any direct assault. It must, however, have remained one of the main centres in the organisation of the city's defence. A garrison remained in place until 1699 though throughout the last quarter of the 17th Century it was gradually denuded of both men and weapons. In 1684 a cannon salute caused a fire to break out in Clifford's Tower leaving it roofless. After the withdrawal of the garrison the tower passed into private ownership becoming a ready made folly within the grounds of a newly constructed town house.

From the 1660's a period of rebuilding starts within the inner bailey which replaced a collection of medieval buildings, such as halls, a chapel and gaol, ranged along the bailey

walls in favour of a more formal arrangement of new court and prison buildings. In 1668 the Grand Jury House was constructed on the south side of the bailey, followed by the Sessions House of 1675 to the north east. Contemporary illustrations show that these were medium size buildings similar in scale to their medieval predecessors.

A greater physical transformation began with the construction of the Debtors Prison on the east side of the bailey. The Debtors Prison (now part of the Castle Museum) was built between 1701 and 1705 most probably by William Wakefield (architect of Duncombe Park, Helmsley, North Yorkshire) and is an important example of English Baroque architecture. Originally the County Gaol, it housed prisoners from throughout Yorkshire. Dick Turpin was imprisoned here in 1739 prior to his execution at Tyburn on the Knavesmire. Also in 1813, the prison held members of the Luddite movement including seventeen men who were executed. The building later became the Debtors Prison and upon the construction of the Felons Prison (1826-1835, see below) it was converted to house prison warders.

The Debtors Prison was followed by the Assize Court (now the Crown Court). It was built between 1773 and 1777 by John Carr, a leading architect of the period and an important figure within the history of York. The building replaced the Grand Jury House of 1668 and signifies an innovative departure for Carr, in which he moves away from the Palladian style seen in his previous works (e.g. Harewood House, West Yorkshire 1760, Basildon Park, Berkshire) to a neo-classical approach, which he continued into one of his most famous group of buildings, the Royal Crescent, Buxton, Derbyshire. The Assize Court comprises a crown court and civil court arranged either side of the entrance hall with further accommodation (added in the 19th Century) to the rear and sides. Interior decoration is lavish but ordered reflecting the classical fashions of the day.

Shortly after the completion of the Assize Court construction began on the Female Prison, now part of the Castle Museum (Figure 7). This second prison replaced the Sessions House and was built between 1780 and 1783 to a design by Thomas Wilkinson & John Price. It was constructed under the supervision of John Carr which possibly explains the near similarity of the main elevation to the Assize Court. Wings were added in 1802 by Peter Atkinson Senior again mirroring the Assize Court. The building was bought by the City of York Corporation in 1934 and the interior drastically altered to house the Kirk Collections of bygones. This entailed the creation of two historic street facades within the former exercise yard, Kirkgate and Aldermans Walk.

Collectively this group of three civic buildings transformed the area from a medieval castle to a central focus of county life. The formality and grandeur of the buildings reflects York's role in 18th and early 19th Century as a regional centre of importance. The space between the buildings was grassed and pathed by 1777 and by at least 1790 it has had a round or oval lawn called originally 'The Eye of the Ridings' now 'The Eye of York'. It was here that County elections were held until 1831 and elections for the North Riding until 1882. The area also was used for proclamations such as the outbreak of war, the accession of a monarch and the viewing of public executions. Public use of the Eye of York still occasionally occurs today in a variety of ways, from military parades to a starting point for civil marches, such as the Anti-Gulf War demonstration in 2003.

In addition to imprisonment, hangings also took place within the Castle starting in 1802 when such popular public events were moved from Tyburn, on the Knavesmire. At first hangings took place in between the Assize Court and the Curtain Wall, moving inside the prison walls within the north end of the Female Prison when public hangings were abolished in 1868. A number of skeletons presumably of executed prisoners were uncovered just outside the female prison during archaeological excavation work in 1998 by the York Archaeological Trust. Some of these skeletons showed evidence of undergoing an autopsy. Such practices,

undertaken in the name of science were a common practice in the 19th Century and often open to public viewing.

The role of the Castle in administering justice within the county was significantly extended with construction of the Felons Prison between 1826-1835. This now demolished prison designed by Robinson and Andrews was a formidable and imposing structure. Constructed of millstone grit within a Tudor Gothic style it comprised four cell blocks radiating out in a semi-circle from a central tower, used as the governor's house.

The perimeter of the Castle was also transformed in the 18th and 19th centuries. The River Foss was canalised in 1729 which presumably removed the remaining traces of the moat defences and the Kings Fishpond. Areas of Curtain Wall were demolished or absorbed into buildings such as the Female Prison and Debtors Prison. The southern gate was blocked by 1682, the northern gate was demolished to make way for the Felons Prison. This loss of enclosure has done much to change the appearance of the Castle as a fortification, so much so that Clifford's Tower is often considered in the public imagination to be the Castle rather than just part of it.

The 20th Century to the Present

The 20th Century saw another transformation in the life of the Castle. This change has been mixed. On one hand the role of administering justice and politics has greatly declined, leaving just the Crown Courthouse to continue a 900 year old tradition. On the other hand, there has been a growing appreciation of the special historical, architectural and archaeological interest of the area, with the Castle playing a major role in interpreting York's rich past to resident and tourist alike.

From 1900 until 1929 the Felons Prison was used as a military prison. In 1934 it was sold to the City of York Corporation and demolished. In 1938 the Female Prison was opened as the Castle Museum, to house the bequest of Dr John Kirk. The Castle Museum swiftly extended into the Debtors Prison and has become one of the principal social history museums within the Country. In 1915 Clifford's Tower was gifted to the nation and placed under the guardianship of the Commissioners of HM Works. It is now under the care of English Heritage. A failed move to establish another political and administrative role on the site was begun in 1939 when work started on the Municipal Corporation Offices. However this was halted due to the outbreak of the Second World War, with only the basement constructed. After the War the basement was filled in and the present car park created.

Developments in conservation legislation brought official recognition and protection to what were already treasured buildings. Clifford's Tower was made a scheduled ancient monument in 1914. In 1934 this protection was extended to the Castle site itself. In 1954 the Assize Court, Female Prison, Debtors Prison, Clifford's Tower and the remaining parts of the 13th Century Curtain Wall were included in the list of buildings of special architectural or historical interest, all at the highest grade (Grade I) denoting high national importance. In 1968 the area was included within the first conservation area within York, the Central Historic Core conservation area.

Presently the area encompasses a mix of uses, a collection of monuments, museums, and open spaces, a courthouse and car park. This presents a slightly disjointed feel to the Castle which is more by accident than design. From the 1990's to the present, moves have been made to develop part of the site around the car park, causing considerable controversy. Such ongoing plans highlight current views and approaches towards conservation and history.

The Walmgate area

Archaeological excavation over the last few decades has transformed our understanding of this area of the city. Archaeological remains from the Roman period have been found including wharves and burials and there is a distinct possibility that the street itself follows the course of a former Roman road. Later archaeological and documentary evidence strongly suggests that the Anglo Scandinavian extensively settled the area in the 10th Century. The width of many properties along Walmgate still corresponds to the Anglo-Scandinavian measurement of the 'perch' (c.16ft) which was used when originally laying out the street. The name 'Walmgate' also derives from this period, probably meaning 'Walba's street'. Walba is a personal name of whom unfortunately nothing is known.

This area, east of the Foss, was originally not seen as part of the city and not enclosed by its defences fully until c.1505. There were six recorded churches in the area by 1200 denoting an extensive medieval settlement. In the mid 19th Century Irish immigrants to York concentrated in Walmgate and the areas population swelled. The area housed over a quarter of the city's population and was renowned as a crowded slum with significant crime and health problems.

The Walmgate area was transformed during the 20th Century through the creation of new roads and slum clearances. In 1912 Piccadilly was extended from St Deny's Road north to Pavement. Merchantgate was then formed to link the new road to Walmgate and Foss Bridge. Both cut through the former medieval burghage plots of Walmgate and Pavement, previously used for light industrial uses. Piccadilly created a new link from the city to its southern approaches and the northern section was transformed by various mid 20th Century developments, including car show rooms, tram depots and a small airplane workshop. The southern section of Piccadilly developed in a more gradual and sporadic manner. At the beginning of the 20th Century the area was dominated by a sawmill and brewery, subsequently replaced by office blocks, hotels and housing.

The River Foss

The Foss is York's second river; the natural defensive line formed by its confluence with the River Ouse is thought to be the defining reason for the foundation of the Roman city in c. 71AD. Throughout the City's life the Foss has been an important focus for human activity. In the Anglo Scandinavian period the river would have defined the shape of Walmgate and been central to its economy. In the medieval period, the river was dammed to create the Kings Fishpool, a lake that provided the south-eastern defences to the Castle and City. After the need for defences disappeared the Foss was canalised in 1729 and was exploited extensively by a number of large and small industries. Presently the use of the Foss has significantly declined allowing it to become an important natural habitat in the heart of the City.

APPENDIX THREE: CONSERVATION AREA, LISTED BUILDINGS AND ARCHAEOLOGICAL ISSUES

Historic Core Conservation Area

The Historic Core Conservation Area covers the majority of the area within the city walls with some surrounding areas. A Conservation Area Statement is included in the Development Control Local Plan.

The Conservation Area contains a large number of listed buildings with Clifford's Tower and the Castle buildings identified as one of the main elements contributing to its character and appearance. The Roman and Medieval origins of the centre are still evident from the street pattern of the centre. The centre was developed in 'burgage plots' which has resulted in its present character of narrow buildings with a vertical emphasis. York exhibits a diverse range of building types. The layering of Medieval, Georgian, Victorian and more recent buildings results in a complex mix of forms and materials, each generation building within the human scale technology of the time. Natural materials predominate with brick superseding timber-framing in the 17th century and stone generally being reserved for more important structures. Materials include timber-framing with lime render, warm reddish/brown brickwork sometimes dressed with stone bands and decorated cornices, magnesian limestone, sandstone (used later), clay pantiles and tiles, slates (mostly Welsh) and York stone paving.

The joint English Heritage and CABI document 'Building in Context' (see document list) states that the right approach for new development within historic areas is 'to be found in examining the (historic) context in great detail and relating the new building to its surroundings through an informed character appraisal' (page 5). The area should not be viewed in isolation but instead relate to the wider context of the city centre, particularly its immediate surroundings such as the Castle precinct, Walmgate, Castlegate and Tower Street. This is due to the complex and close makeup of the city centre where development in one area affects the setting and character of other areas around it.

Conservation Area Consent will be required for the demolition of any buildings within the Conservation Area in accordance with Policy HE5 of the Development Control Local Plan. With any application for demolition in a Conservation Area the merit of each building in terms of its architecture and contribution to the area will be assessed. Consent will not be granted for the demolition of any building until an acceptable scheme for its replacement has been agreed in accordance with the advice in PPG15 and local plan policy HE5. Scheduled Ancient Monument Consent will also be required for any development within the area of the Scheduled Ancient Monument as outlined on Map 6. Developers are advised to discuss, at an early stage, any proposals with the Council's Conservation and Sustainable Development officer (see contact list) and English Heritage, a statutory consultee.

Listed Buildings

There are over thirty listed buildings in the area within or surrounding the planning brief area (Map 6 and listed below). The Castle Piccadilly Conservation Area Appraisal should be referred to for further details on the special architectural and historic characteristics of the area.

- o Clifford's Tower – Grade I and Scheduled Ancient Monument
- o Curtain Wall – Grade I
- o Assize Court (Crown Court) – Grade I
- o Ex-female prison – Grade I
- o Ex-debtors prison – Grade I
- o St Mary's Church – Grade I

- o Fairfax House – Grade I
- o Castlegate House – Grade I
- o No. 29 and 31 Castlegate – Grade II
- o No. 11-25, 35 and 37 Walmgate – Grade II
- o St Deny’s Church – Grade I
- o The Red Lion – Grade II
- o No. 1-5 Walmgate (the former Stubbs buildings) – Grade II
- o No. 2 Walmgate – Grade II
- o Foss Bridge – Grade II*
- o Merchant Adventurers Hall – Grade I and Scheduled Ancient Monument

Archaeological Issues

The area is split into two distinct archaeological parts: first, the Castle site, where much of the archaeology has been destroyed by a 1930’s basement construction, and where the remaining deposits are not of national importance and where, therefore an archaeological excavation project could be undertaken prior to any development: second, the Piccadilly site, where the deposits are of national importance and must remain in-situ in a water-logged state below the level of 6.5m.

Archaeological evaluations of the site have been carried out in the area since 1991. These archaeological evaluations include eight separate investigations, including,

Fiat Motors (1991)
 Castle Car Park Phase One (1992)
 Simpson’s Yard, Piccadilly (1992)
 Polar Motors, Piccadilly (1992)
 Castle Car Park Phase Two (1993)
 Castle Car Park Phase Three (1995)
 Castle Car Park Phase Four (1998)
 Ryedale Building (2000)

The evaluations have produced a detailed picture of the date, character and state of preservation of the deposits on the site. The results can be summarised in relation to two clearly defined areas: the Castle Car Park site; and, the area north of Ryedale Building and between the Foss and Piccadilly. Copies of all reports are published on the City of York Sites and Monuments Record, 9 St Leonard’s Place, York and are available by contacting the Council’s Archaeological Officer (see contact list).

The four evaluations in the Castle car park area have demonstrated that the 1826 prison and 1939 basement have caused massive destruction and disturbance of the medieval and earlier sequences on the site. There is no evidence for the key medieval elements of the Castle in this area; the northern gateway, the stone curtain wall or the associated towers.

Archaeological deposits survive only in those areas which lie outside the footprint of the prison and the basement. These surviving deposits represent a well preserved cemetery relating to the 18th and 19th century prison and an underlying Anglo-Scandinavian cemetery; deposits preserved within the medieval ditch linking the Foss with the Motte ditch and an as yet unknown level of archaeological survival in the area between the 1939 basement and the basement to Fenwick’s Department Store in the Coppergate Centre.

In the Piccadilly area two deep archaeological evaluation trenches have been excavated. These have demonstrated the survival of a deep, water-logged, anoxically preserved archaeological sequence which dates from the roman period through to the 16th century. This

sequence includes well-preserved organic deposits and timber structures. Part of this sequence appears to be part of an Anglo-Scandinavian (Viking) riverside structure. These deposits are preserved at and below 6.5m AOD. These deposits are very important and can be regarded as unscheduled deposits which are of national importance.

APPENDIX FOUR: PUBLIC CONSULTATION

Following consideration of the conclusions of the Secretary of State and Inspector in their assessment of the previous proposals for the area a process for taking forward the regeneration of the area was agreed by the Executive in February 2004. This included a commitment to undertake extensive engagement and consultation with all those interested in the development of the area.

The Council engaged an external independent company, Icarus, to facilitate the public consultation. This comprised a number of arranged meetings of a Reference Group and an open day. The open day, 'Open Forum' was held on 2nd October 2004 at St John's College York. It was well attended and views were put forward in a number of discussion groups on key themes. Comments were also received from those who could not attend the Open Forum but wished to put forward their views on the development of the area. Icarus produced a report in January 2005 outlining the results of the public consultation undertaken. A summary of the contributions made are outlined in a report on the Public Consultation considered by the Executive in February 2005.

The Reference Group included public interest groups, commercial, conservation and environmental interests. The following groups were invited to attend: the Castle Area Campaign Group, York Tomorrow, York Natural Environment Trust, the Conservation Area Panel, English Heritage, the Commission for Architecture and the Built Environment (CABE), York Civic Trust, York Chamber of Commerce, York Chamber of Trade, York Museums Trust, landowner and Councillor representation. Four meetings were held which were generally well attended with representatives engaged in the process. A set of guiding principles were developed on five main themes, Heritage and Culture, the Foss Corridor, Buildings in the area, Use of spaces between buildings and Movement to and within the area. These principles have been used in the development of the guidance outlined within this brief. The principles put forward (and subsequently agreed by the Executive) are as follows. The principle outlined in bold is an overall guiding principle for the issue with other sub principles outlined below.

Historic Environment

The historic environment should be the key consideration in the formulation of the scheme.

The development must incorporate effective interpretation to increase public understanding of the history of the area.

Character and setting

The character, setting and appearance of the Castle Precinct and the listed buildings should be recognised, defined and enhanced.

Views of the composed group of Grade I Listed Georgian buildings should be preserved and enhanced.

An independent Conservation Area Appraisal (CAA) of the development site should be carried out prior to the preparation of the planning brief.

Views

Key views to and from the Castle precinct a Scheduled Ancient Monument and Listed building should be maintained and enhanced.

The present dominance of Clifford's Tower should be maintained.

Use of the riverside

The Foss should be protected and enhanced as a continuous wildlife corridor and environmental resource.

The development should be designed to provide a continuous naturalistic wildlife corridor that may in places be made up of overlapped sections on either side of the river. (See comments in the report Public consultation on Castle Piccadilly)

Any development should ensure that the wildlife corridor is improved and enhanced.

The Foss must be protected and enhanced as a key element in the environment of the city.

The development should incorporate appropriately designed bridges across the river.

Bridges should not dominate the river or prevent the river being opened up to public view.

The potential of the River Foss in terms of public amenity value should be enhanced.

The impact on the river frontage in terms of height, massing and position of buildings should not be detrimental to the river corridor, sunlight and ambient light levels and public enjoyment of the river environment.

Buildings

Proposals must be of the highest architectural quality for this site of international importance.

Building materials should be of high quality and compatible with the historic character of the area.

Redevelopment of Reynards Garage site should be included in the planning brief and actively pursued.

New housing is supported within the area with the level of affordable housing to be agreed.

Explore the possibility of redeveloping and demolishing Ryedale Building. Change of use could be considered as part of the wider regeneration.

In conformity with the public inquiry, the retention and refurbishment of existing buildings in Piccadilly should be considered.

Applications for the demolition of existing buildings should demonstrate how they fail to contribute to the character or appearance of the conservation area.

Urban design

Proposals must be of the highest urban design quality and provide places that people will want to use.

The development should reflect the scale and massing of the historic core.

The buildings in Piccadilly should be broken into visually separate elements to give townscape and pedestrian interest with permeable double fronted aspect.

The design of open spaces will have to be of the highest quality and should provide 'memorable civic space'.

Any development in the area should contribute to a vibrant mix and balance of uses and act to regenerate the area economically.

In recognising the historic character of the area the development must complement and respect that character.

Additional retail usage and attendant facilities within the area should not overpower the rest of the city and should be proximate to the existing York City Centre shopping area.

There should be sufficient space around the Castle Museum so that it remains visible.

Technical Considerations

Detailed design must address flood risk, disabled access, crime and sustainability

Movement to and within the site

Access to and from the site by a range of transport modes should be explored. The emphasis should be on sustainable principles/transport modes.

There should be a strategic search and study on how to provide car parking and access to replace the castle car park.

Car parking should be visually acceptable.

There should be no reduction in car parking within the city as a whole.

The development brief should not be driven by on-site car parking considerations.

The feasibility of providing an underground car park should be explored.

Pedestrian movement

Pedestrian links, movement and facilities for cycling must be maximised.

Pedestrian access points should be developed across the River Foss to provide more view points and to improve linkages with the Walmgate area.

Protect the viability of key pedestrian routes on the site.

Cycling

Facilities for cycling must be maximised.

Properly landscaped cycle paths should be provided and sensitively sited cycle parking should be designed to be visible from public areas.

Pedestrian and cycle links should be improved on the site.

Servicing

The impact of servicing must be carefully considered. Any development should include proposals for rationalisation and improvement of the servicing of existing and new uses.

Piccadilly should not be primarily a service road.

Large and medium scale servicing should not take place in the vicinity of the ancient monument and listed buildings. (see para 5.20 in the report Public Consultation on Castle Piccadilly).

Servicing should not take place on recognised pedestrian routes.

Improvements for servicing the Coppergate Centre should be included in the scheme.

Clifford's Tower should not become a traffic island.

Public transport

Any development must be able to be serviced by public transport to minimise any adverse traffic impact.

Air Quality

Development should not increase pollutants in the Air Quality Action Area.

Process Principles

Boundary

The boundary of the area to be covered by the Castle Piccadilly brief, must be reviewed before preparation of the brief.

The Castle Piccadilly area should include both sides of Piccadilly, the Coppergate centre, White Swan, the whole of the Castle Site (including Castle Museum and all aspects and prospects from/to this area should be given due consideration.

The Action Area should be extended to include the Eye of York.

Context/Delivery

Any proposals for development within the Action Area covered by the brief must have regard to the wider context and could involve one or more developers.

Views of property owners, residents and businesses need to be taken into account in the development process.

Consultation

Consultation must be credible to York residents.

APPENDIX FIVE: LIST OF DOCUMENTS

Association of Chief Police Officers (established 1999) "Secured by Design"

Commission for Accessible Environments and RIBA Enterprises (2004) 'Designing for Accessibility'

City of York Council - Full copies of written responses on Castle Piccadilly consultation

City of York Council - Full copies of representations on Castle Piccadilly Draft Planning Brief

City of York Council "Highway Design Guide"

City of York Council (1998) "Public Arts Strategy"

City of York Council (2004) "York's Community Strategy: A City making History"

City of York Council (2005) "Draft Castle Piccadilly Conservation Area Appraisal"

City of York Council (July 2004) "Affordable Housing Advice Note"

City of York Council "Local Transport Plan 2001/2 to 2005/6 with Appendices"

City of York Sites and Monuments Record – archaeological evaluations

Council Executive Meeting (October 2004) "Report on the Retail Study"

DETR and CABE (2000) "Urban Design in the Planning System: Towards Better Practice"

Economic and Development and Community Safety Scrutiny Board Sept (2005) "A Study of Retailing within the City Centre Public Consultation on Castle Piccadilly Report to the Council's Executive on 1st February 2005"

English Heritage/CABE (2002) "Building in Context"

Fordham Research (2002) "City of York Council 2002 Housing Needs Survey"

Foss Environmental Liaison Group, "Foss Walkway Strategy"

Gateshead Access Panel (1997) "Designing to Enable"

Halcrow Group Limited (July 2005) "A Car Parking Study"

Icarus (Jan 2005) "Guiding Principles - A Fresh Start"

ODPM (2004) "Safer Places: The Planning System and Crime Prevention" (Companion Guide to PPS1) <http://www.odpm.gov.uk>

Roger Tym and Partners (October 2004) "The Retail Study"

York: Light leaflet

APPENDIX SIX: GLOSSARY

Castle Area

The Castle Area includes Clifford's Tower and the civic complex of the Crown Court (former Assize Court), the Debtor's Prison and the Female Prison (now conjoined as the Castle Museum).

Castle Precinct

This refers to the area of the Scheduled Ancient Monument, shown on Map 6

Ecological Footprint

An ecological footprint measures the impact our lifestyles have on the Earth's resources by considering the land needed to produce the food, energy, water and materials needed by the population. The footprint also calculates the emissions generated from burning oil, coal and gas and determines how much land is required to absorb the pollution and waste created by the population. The current Ecological Footprint for York residents is 6.98, if everyone in the world lived as York residents do then we would need over three worlds to sustain us. The York Community Strategy has an objective to maintain York's Ecological Footprint at 2000 levels (6.91 hectares) and seek to reduce the footprint to 3.5 hectares by 2033.

Any new development will increase the ecological footprint of the city however in doing so it will also have social and economic benefits. The purpose of using the Ecological Footprint as a success measure is to ensure any new development reduces the negative impact on the environment thus helping to balance the social and economic benefits against reduced environmental impacts.

Eye of York

The open area between the Castle Museum and the Court buildings.

Landscape setting

This includes both soft and hard landscaping. The main elements of the public realm.

Soft measures

Soft measures are those which encourage the use of sustainable transport through measures such as marketing and promotion and do not require the provision of new infrastructure.

Sustainable development

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It must enable people to enjoy a better quality of life now and in the future, through balancing social, economic and environmental needs. It embraces not only local issues but also national and global matters, such as green gas emissions and climate change. Planning Policy Statement 1: Delivering Sustainable Development sets out 4 aims for sustainable development: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and, the maintenance of high and stable levels of economic growth and employment.

Sustainable development principles

Sustainable development principles are taken to mean the balance of social, economic and environmental issues, impacts, benefits and outcomes. More detail can be found in York Local Agenda 21 Strategy.

APPENDIX SEVEN: CITY OF YORK COUNCIL CONTACT LIST

City of York Council - 01904 55 + extension number

Please contact Derek Gauld in the first instance.

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Peter Evely, Head of Network Management	1414
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Julie Hurley, Acting Head of Transport Planning	1429
Sean Suckling, Principal Environmental Protection Officer	1567
Fiona Derbyshire, Housing Development Manager	4153
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Vicky Japes, Senior Active Leisure Officer	3382
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