



## Design, Access, and Planning Statement

Client: Quietpresence Ltd

Proposal: Alterations to an Existing Gate in Boundary Wall

Site: Yard at Masonic Hall, Duncombe Place, York YO1  
7DX

Date: November 2021 Ref: JEH041





**Document control**

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## 1.0 Introduction.

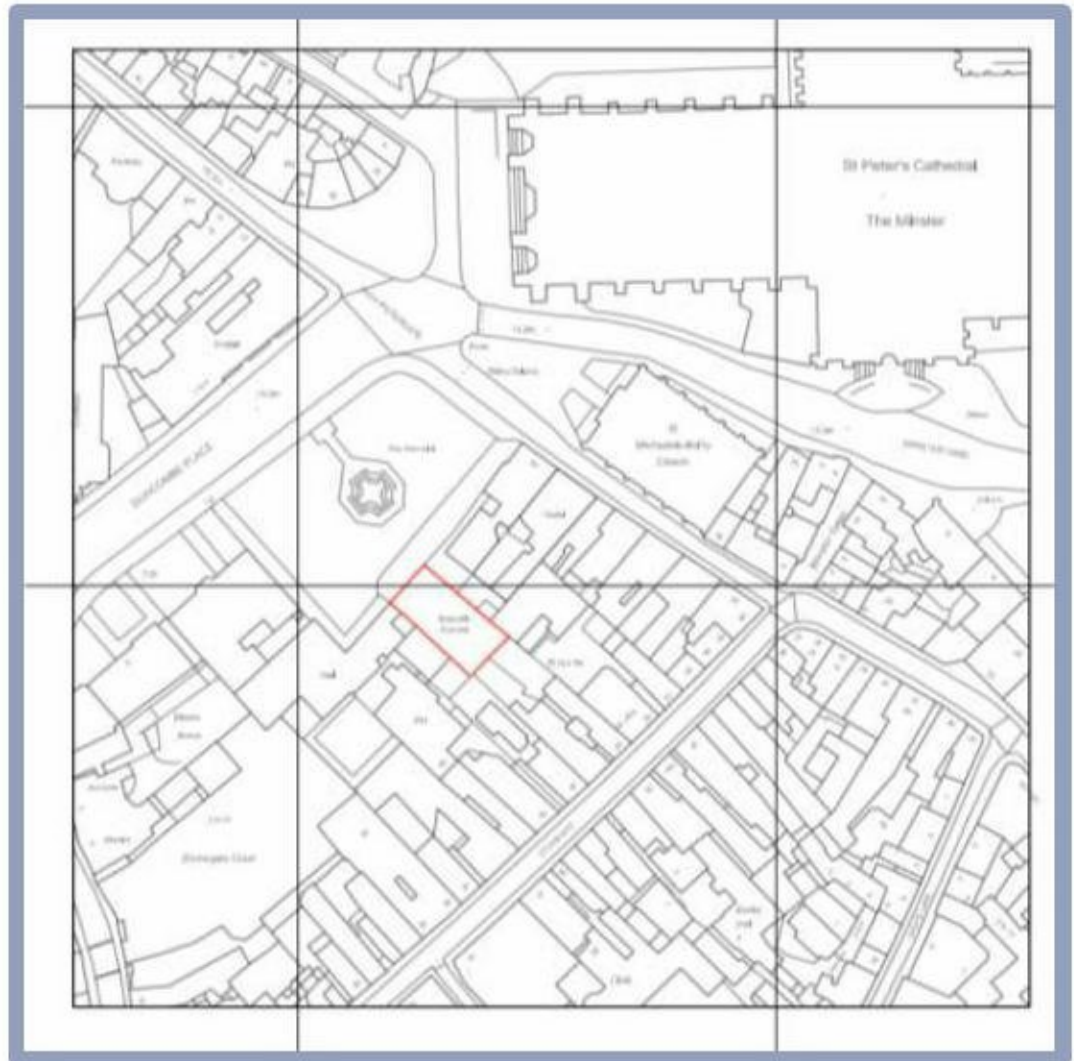
- 1.1 JEH Planning are instructed on behalf of Quietpresence Ltd to prepare and submit a planning and listed building consent application for minor widening alteration works to an existing gate in the boundary wall to provided improved levels of accessibility into the Masonic Yard area. The increase in width to the opening would allow access for small plant equipment to treat Japanese Knotweed which had invaded the garden area and requires managing.
- 1.2 This statement has been prepared to accompany the application submission and it provides: some planning background, describes the application site and the proposal before identifying and examining the issues relevant to the proposal. Regard has been had to the relevant Development Plan, other local policy guidance, and the National Planning Policy Framework and associated practice guidance provided by the online NPPG.
- 1.3 This statement should be read in conjunction with the following information:
  - The completed planning application Form;
  - A Site Location Plan with the site edged red;
  - Drawing No JMDA 1585/109 showing the existing and proposed works to the wall.
  - Built Heritage Assessment Statement Prepared by RPS dated Nov 2021;
  - Japanese Knotweed Management Plan prepared by Ashtrees Ltd
  - Flood Risk Assessment Prepared by JEH Planning

- 1.4 Based on our detailed assessment, it is evident that a key issue to examine is the effect of the proposal on the designated heritage assets. In this regard, we have taken advice from heritage consultants RPS and their views and assessment are set out in a detailed document that accompanies this submission.
- 1.5 The level of information submitted should be more than sufficient to enable both your planning, heritage and technical officers to consider the suitability of the proposed works.
- 1.6 It is important to emphasise that we have already engaged in pre application discussion with your Council (LPA 21/01557/PREAPP) for this property. The proposed gate widening works are connected to the wider proposal for not only the Masonic Garden area but also the adjoining premises known as 23 High Petergate and the Guy Fawkes Inn. These wider proposals relate to:
  - Change of Use of the Former Jackson Stop premises (23 High Petergate) from Office (Class B1) to Hotel bedrooms (Class C1) operationally linked to the adjoining Guy Fawkes Inn.
  - Change of Use of the vacant Masonic Yard area to form a formal landscaped sitting out area in connection with the Guy Fawkes Inn.
- 1.7 Due to the sequencing of works proposed in the management strategy for the treatment and safe disposal of the Japanese Knotweed from the site, the gate widening works are required to be dealt with in the first instance and can take place whilst we continue to work through various design solutions to address the specific comments raise during the pre application feedback regarding the wider development proposal.

## 2.0 The Application Site

### Site Location

2.1 The site lies within the City Centre of York close to York Minister.



### **Character and Use of the Site**

- 2.2 The vacant yard area lies immediately to the rear of No 23 High Petergate and forms part of the Masonic Hall planning unit which is a Grade II listed building. This garden is rectangular in shape extending to approximately 264 sq m in area. It is unkempt in appearance with overgrown vegetation occupying the site. There is currently no physical link between this element of the site and either No 23 Petergate or the adjoining Guy Fawkes Inn.

### **Site Boundaries and Surrounding Uses**

- 2.3 The north western boundary of the site comprises a wall of approximately 2 metres in scale and links the principal elevation of the Masonic Hall in the south to the side gable elevation of No23 High Petergate in the north. This wall defines the boundary of No 23 High Petergate as well as the Masonic Hall yard area. Further to the north west lies a landscaped open space area which accommodates the South African War Memorial.
- 2.4 The other three boundaries of the Masonic Hall yard are also well defined by a combination of both 2m high brick walls, and the gable ends of buildings which create a well contained and enclosed area with limited access. Generally, the adjoining properties surrounding the vacant area are commercial in nature. The rear yard areas of these properties back on to the site so the yard benefits from limited overlooking.

### **Access Arrangements**

- 2.5 The is only access available into the masonic yard area is through either the Masonic Hall itself or a pedestrian gate opening within the northern boundary wall that fronts on to the South African War Memorial area which is subject to this application.

## Designations

2.6 There are a number of heritages designates that specifically relate to the site and these are as follows:

- York Central Historic Core Conservation Area
- No 23 Petergate Grade 1 Listed Building
- Masonic Hall Grade II Listed Building

2.7 Within the immediate vicinity the following heritage assets are as follows:

- Guy Fawkes Inn Grade II\* Listed Building
- The Cottage attached at the rear of No 25 Grade II Listed Building
- South African War Memorial Grade II\* Listed Building
- York Minister Grade I Listed Building
- Church of St Michael le Belfrey Grade I Listed Building

## Planning History

2.8 An application was approved in 2013 (LPA12/03588) for the creation of a 1m wide gate in the northern boundary wall to provide access to the Masonic Yard. The gate was designed to provide a second means of escape from the Masonic Hall building. As the site was landlocked it was also acknowledged that the proposed width of the opening would allow access for small plant equipment to treat Japanese Knotweed which had invaded the garden at that time. This proposal has been implemented and is now the subject of the proposed widening. It will be noted that the Japanese Knotwood was not eradicated as a result of the creation of this gate opening



### **3.0 Overview of the Development – Design and Access**

- 3.1 Drawing JMDA1585/109 demonstrates how the proposed gate widening works would be undertaken.
- 3.2 There is limited accessibility into the Masonic Garden area. It is served by existing gateway in the wall that forms the north western boundary which fronts on to South African War Memorial open space area to the north of the site. This opening in the wall was granted planning and listed building consent in 2013 to provide a fire escape for the Masonic Hall but also allow a suitable access to treat and dispose of Japanese Knotweed that had been found at that time. The existing condition of the garden area is currently unkempt in nature and unfortunately there continues to be a problem with Japanese Knotweed on site, so our proposal related to specifically treating this issue.
- 3.3 As an invasive Non-native plant, there are sensitive environmental risks associated with Japanese Knotweed and there are legal provisions regarding the treatment and disposal of these plants to help limit accidental spread.
- 3.4 In this regard the applicant has approached an independent specialist consultant, Ashtrees Ltd, who has prepared a Method Statement and Management Plan. Of the methods for the control of Japanese Knotweed, removal and disposal is considered the most appropriate in this case for the treatment of the Japanese Knotweed on site.

- 3.5 Eventually, the area of the Masonic Garden is proposed to be used as an outside garden area for the adjoining Guy Fawkes Inn but at the present time, the space is unusable due to dense growth of buddleia, brambles and Japanese Knotweed. The method statement confirms that all these plants are to be chemically treated and disposed of off-site and a membrane installed to prevent any further regrowth and enable the area to be used in a more productive manner.
- 3.6 The sequencing of the schedule of works is outlined in the Method Statement and management Plan as follows:
- The first application of herbicide was applied at the beginning of November. Repeated visits will occur 4~6 weeks after the initial treatment to assess if any further applications are required.
  - Cut back buddleia growth to allow a site survey to be undertaken to provide the information required to design the hard and soft landscaping for the proposed garden.
  - Subject to securing the necessary consents, undertake the works to increase the width of the gate in the wall to allow the safe removal of Japanese knotweed growth and crowns and remedial groundworks.
  - Installation of membrane
- 3.7 Before the first application of the herbicide was applied, the applicant commissioned an ecological consultant to provide an initial assessment of the ecological value of the area.
- 3.8 As access to the site is restricted to a single narrow gate front on to the War Memorial Garden, this will require widening to facilitate the machinery and plant equipment required to remove all the invasive weeds and remediate the ground.

- 3.9 Ashtree Ltd, the Japanese Knotweed specialist, has recommended that the aperture of the existing wall opening into the War Memorial grounds requires to be a minimum of 1.3m wide to facilitate a 1.6 tonne excavator which would be used to the remove the Buddleia stumps, the Japanese Knotweed vegetation, and undertake any levelling of the site. A chipper for the Buddleia stems will also require access.
- 3.10 The proposal is to widen the existing gateway to the eastern side of the opening from a current width of 1160mm to 1300mm (an increase of 140mm). Once the Japanese Knotweed has been treated and disposed of offsite then the opening would be fitted with a new frame and timber gate in the widen opening as proposed on the drawings.
- 3.11 The intention of the applicant is to prepare and submit a separate planning and listed building consent application for the change of use of the Masonic Garden to create a sitting out area. This proposal would be linked to the trading operation of the existing Guy Fawkes Inn and the proposed conversion of No 23 High Petergate to hotel bedrooms.
- 3.12 It is intended that the proposed sitting out area will be high quality in design and appearance with a formal landscape led approach sympathetic and in keeping with the surrounding heritage assets. The layout of the restored garden area would also ensure a fire escape access for patrons of the Masonic building. It should be appreciated that given the existing overgrown nature of the site and the fact that the gate is currently locked, it is highly unlikely to be serving this function at present even though that was one of the purposes behind the original consent.

## 4.0 Planning Policy Context

### **National Planning Policy Guidance (2019)**

- 4.1 National planning policy is contained in the National Planning Policy Framework (2019).
- 4.2 For proposals that have the potential to affect the significance of a heritage asset, paragraph 194 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected.
- 4.3 The NPPF emphasises at Paragraph 199 that 'great weight' should be given to the conservation of designated heritage assets, and that the more important the asset, the greater the weight should be, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the assets.
- 4.4 Where less than substantial harm is identified paragraph 202 requires this harm to be weighed against the public benefits of the proposed development.

### **The City of York Council Development Control Local Plan (Approved 2005)**

- 4.5 There has never been a formally adopted development plan for the City of York Council. The City of York Council Development Control Local Plan (2005) was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

- 4.6 Policy HE4 of the Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.
- 4.7 Policy HE2 seeks to protect heritage assets from inappropriate development within or adjoining conservation areas, and in locations which affect the setting of listed buildings. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.
- 4.8 Policy HE3 confirms that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.
- 4.9 Policy GP1 is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.

**Emerging Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) (2018)**

- 4.10 There is a new local plan emerging which is currently in the process of Examination by an independent Inspector. Proposed Modifications and evidence-based consultation was released in May 2021. Whilst only limited weight can be given to this document, the relevant draft policies relating to this proposal are identified.

- 4.11 Draft Policy D5 related to Listed Buildings and confirms that proposals affecting these designated assets, or their setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation. The policy supports proposals where they help secure a sustainable future for a building at risk and are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.
- 4.12 Draft Policy D4 deals with development proposals within or affecting the setting of a Conservation Area stating that these will be supported where they are: designed to preserve or enhance the special character and appearance of the conservation area; would enhance or better reveal its significance; and respect important views.
- 4.13 Draft Policy D1 relates to Placemaking and confirms that Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

## 5.0 Key Planning Considerations

- 5.1 The wall through which the gate alterations are being made forms part of the backdrop to the Grade II\* listed South African War Memorial. It adjoins the twentieth century extension to the Grade II listed Masonic Hall and the boundary of the late nineteenth century coach house to 23 High Petergate, listed as Grade I. The wall is of later date than the 1779 wall included in the list description of 23 Petergate, but nevertheless forms part of a historic plot boundary.
- 5.2 The wall is of positive value to the historic character and appearance of the conservation area, and the setting of neighbouring listed buildings. The Heritage Assessment confirms that the intrinsic heritage significance of the wall is low and it comprises a negligible element of the overall heritage significance of the Masonic Hall, 23 High Petergate and the Conservation Area.
- 5.3 The heritage statement goes on to state:

*'The proposed works will result in a very limited loss of historic fabric (140mm) from the widening of the existing opening. This will not affect the legibility of the wall or have a material impact on its present character. The existing gate is also of no historic value and the replacement gate has been designed to reflect the design of the gates already in-situ within the wall, maintaining its existing appearance. As such, the heritage significance of the wall will not be affected, nor its negligible contribution to the significance of the Masonic Hall or 23 High Petergate. The character and appearance of the Conservation Area will also be preserved. Increasing the width of opening to provide improved levels of accessibility would cause some minor harm to the integrity of the heritage asset, but there is strong justification on the grounds of providing a means of access to treat the Japanese Knotweed.'*

- 5.4 A key material consideration in this case is the risks associated to the surrounding properties should the Japanese Knotweed remain untreated. Using the categorise by the Royal Institute of Chartered Surveyors Risk Assessment, our specialist has advised that as the Japanese Knotweed is not within the boundary of any building but within 7 metres of the boundary this would be classed as category 4 (4 being the highest risk). As access to the site is restricted to a single narrow gate, creating a wide enough opening is an important consideration to reduce the risk factor regarding the clearance of waste.
- 5.5 Whilst there would be a very minor degree of harm caused by the widening of the existing gate, the opening and the new gate would remain in scale and proportion with the historic wall. Furthermore, the harm to the historic and visual appearance of the wall and the wider conservation area would be minor.
- 5.6 The planning officer concluded in the previous planning and listed building consent for the original opening that:

*'The wall dates from a later period than the adjacent Grade II\* Listed Building and the historically more important narrower bricks of its immediate walling. The application wall relates to a later coach house building at the rear of 23 High Petergate. Its special significance comes from defining the boundary of a historic plot. It is considered that the harm would be minor'*



- 5.7 We would agree with this assessment of heritage significant for the wall. Although there will be some very limited impact on the significance of the building, we conclude that the development would preserve the special architectural interest of the application site, the setting of neighbouring designated heritage assets and their contribution to the historic character and the appearance of the conservation area. This scheme would also deliver planning benefits dealing with the careful disposal of an invasive plant and allowing the underused garden area to be brought back to a sympathetic use.
- 5.8 Indeed, the proposals will provide the catalyst to help facilitate a more active use and better enjoyment of a space than is currently redundant and underused. This will lead to the introduction of greater levels of vibrancy and life into the City Centre as well as enabling a better public appreciation of the surrounding built fabric. Ultimately, once properly treated and the Japanese Knotweed eradicated, the proposed refurbishment of this garden space will bring about a tangible enhancement to the setting of the adjacent listed buildings.



## 6.0 Conclusions

- 6.1 The applicant is seeking approval for a planning and listed building application for the minor widening to an existing gate in the boundary wall to provide improved levels of accessibility into the Masonic Yard area. The increase in width to the opening would allow access for small mechanical plant equipment to treat the Japanese Knotweed which had invaded the garden and requires managing. Once the disposal of the invasive plant had been undertaken a new timber replacement gate and surround would be installed.
- 6.2 Given the modest increase in the width of this proposed opening (an increase of 140mm) we consider this will have a de-minimus effect on the overall character of the wall and substantial weight should be given to the benefits of eradicating a highly invasive species from the city centre.
- 6.3 The heritage significance of the wall will not be affected, nor its negligible contribution to the significance of the Masonic Hall or 23 High Petergate. The character and appearance of the Conservation Area will also be preserved. The proposed works to the wall will therefore not cause harm to the significance of any built heritage asset.
- 6.4 The proposed works would be in accordance with the approach as set out in the NPPF as the development would cause less than substantial harm to the significance of the heritage assets and these should be weighed against the public benefit that would be achieved. The schemes would also accord with Policies HE2, HE3 and HE4 of the Development Control Local Plan as well as Draft Policies D1, D3 and D4 of the emerging Local Plan.



- 6.5 In view of the above, it is considered the scheme satisfies national and local policy and represents a suitable development for the site that addresses all the relevant and material considerations. We consider a full planning application and listed building consent should therefore be granted.