



YORKSHIRE GARDENS TRUST

President: The Countess of Harewood

Vice-presidents: Lady Legard, Peter Goodchild, Nick Lane Fox

www.yorkshiregardenstrust.org.uk

Owen Richards

planning.teamenquiries@york.gov.uk

conservation@yorkshiregardenstrust.org.uk

25 November 2024

Dear Owen Richards

24/01660/FUL Siting of temporary structure (tipi bar) for a period of up to 14 weeks

Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee in relation to the application to erect a Tipi in the Museum Gardens, a site included by Historic England (HE) on their Register of Parks & Gardens at grade II. The Yorkshire Gardens Trust (YGT) is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites and is authorised by the GT to respond on GT's behalf in respect of such consultations.

The Museum Gardens were laid out by Sir John Murray Naysmith for the Yorkshire Philosophical Society in 1844. They were designed as pleasure grounds to provide a setting for the Yorkshire Museum (listed grade I), the many ancient monuments in its vicinity and to incorporate botanical gardens. The Tipi is sited immediately in front of, and blocking access and vision towards, the City Walls (Grade I) and the Multangular Tower (Grade I). The application notes that the Tipi is easily visible from the Museum Street entrance to the Gardens along the main path through the Gardens to Marygate. Walking the principal routes shows that the Tipi and associated van is visible from them in many views in both directions.

The application is for 5 years for a period of up to 14 weeks annually, which, over the 5 years, totals 70 weeks, just less than a year and a half. In return for giving up 27% of each year to the Tipi, the Museum Gardens will receive 10% of its annual running costs. The NPPF requires the planning authority to weigh public benefit in any application affecting the setting of Grade I scheduled monuments, and the environment of a Grade II garden. It appears to us that the principal benefit cited by the applicant is economic, and that such benefit is weighted heavily towards the commercial operators rather than the Museum Gardens. This is even more the case when it is considered that the space formerly occupied by the Tipi in Parliament Street is now populated by additional stalls for the St Nicholas Fair. The benefit to the overall operator thus includes the additional income received from this space in the town centre, which skews the benefit further away from the public.

Because of the association of the Tipi with St Nicholas Fair the impact of the Tipi upon the Gardens will last longer than the 27% of each year applied for. Although the garden surface must be restored annually, effective restoration requires the new grass to grow properly before it can be walked on; it is likely to be May before all signs of the Tipi's presence disappear. This will become more problematic if the Tipi is installed at other times of the year than October-December, as the additional supporting statement seems to suggest.

The NPPF at paragraph 200 demands that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include,

heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.’

There is no evidence in the design and access statement or elsewhere that the applicant has addressed this requirement. The applicant name-checks the Multangular Tower, but not the City Walls, and does not account for the Museum Gardens’ Registered status. It isn’t clear to us why the applicant considers that a Viking-themed tent should be appropriate in a 19th century designed landscape next to and blocking access to structures erected either several hundred years before or several hundred years after the Viking occupation of York.

There is a ban on consuming alcohol in the Museum Gardens, evidenced at the entrances and throughout the Gardens by free-standing notices. The Tipi is a clear departure from this long-standing practice, established to protect the enjoyment of the Gardens for the majority of their users. We note the request (indicated by a small, easily missed sign at the Tipi entrance) for Tipi users to consume their drinks inside the Tipi; but that does not address the difficulty of policing this requirement at busy times. Museum Gardens is one of the few public spaces in York where people can reasonably expect to avoid the groups of drinkers that are so prevalent on York’s streets, especially so when St Nicholas Fair stalls are selling alcoholic drinks for consumption in the streets. The applicant does not address this further diminution of long-enjoyed public benefit.

The Additional Supporting Statement appears to suggest that there are plans to operate the Tipi in conjunction with ‘a more substantial event (details not yet released)’ at another time of the year in 2025. The lack of detail here means that it is not possible to understand or weigh the impacts these unspecified Tipi installations might cause.

In no document does the applicant reference the presence of the supporting food van, in bright colours, situated on the opposite side of the path to the Tipi. This van is highly visible by design but appears nowhere in the application. Similarly, the application does not address the music played inside the Tipi, and which, on Sunday, was audible throughout the Gardens and on the south bank of the river beyond the Gardens’ boundary.

The applicant (Design and Access Statement) states that vehicular deliveries and collections are to be made outside Gardens opening times. This is not the case. I have walked through the Gardens twice in the last week when principal paths inside the Gardens have been blocked by a waste collection vehicle; and today (Monday) there was a car outside the Tipi as I walked through at 11 a.m.

The Tipi and associated van are already installed and operating in a clear departure from normal planning procedures, and, in our view, do not in any case meet the mandatory public benefit test. However, it would be disruptive to advocate the removal of the Tipi in its present iteration. GT and YGT object to the application as it stands and believe there can be no question of permitting it to persist beyond the end of St Nicholas Fair. Any further installation must be preceded by a comprehensive application addressing the points we have made.

In considering this application GT and YGT have checked our archive and note that we have not been consulted about the installation of the coffee van and associated seating at the Museum Street entrance to the Gardens, in front of the Grade I St Leonard’s Hospital. The van has what looks like permanent hard-standing and a temporary tent for customers in the winter. We believe this van may have become more than a temporary structure and is therefore likely to require planning permission. Please can you tell us on what basis the van has been permitted?

For the reasons described the Gardens Trust and Yorkshire Gardens Trust object to this application.

Yours sincerely

Chris Webb
Chair, YGT

cc. Kristof Fatsar, Landscape Architect North of England, Historic England
e-yorks@historicengland.org.uk; Conservation@ the Gardens Trust