

COMMITTEE REPORT

Date: 8 September 2016 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 16/01233/ADV
Application at: St Joseph's Convent of Poor Clare Collentines Lawrence
Street York YO10 3EB
For: Display of 8no. signs on convent walls and lodge building for
temporary period of three years
By: Vita York 1 Limited
Application Type: Advert Application
Target Date: 12 September 2016
Recommendation: Approve (for temporary period only)

1.0 PROPOSAL

1.1 The application relates to the former convent site located on the south side of Lawrence Street. The former convent buildings, constructed in the C19, and the boundary walls are grade II listed. The site is an enclosed one and the Extern House/Lodge and boundary wall front onto the main road.

1.2 The enclosed nature of the site is of high significance. The walls facing the main street, which are the subject of this application, date from the first phase of development of the site in the 1870's.

1.3 The convent was vacated in 2012 and permission was granted in 2014 to re-develop the site for student accommodation. The development would re-use the listed buildings and introduce new buildings over the site. This scheme is currently under construction.

1.4 The application is for signs to be added to the boundary wall and the two storey lodge building which face onto Lawrence Street. The signs are intended to advertise the development and are informative relating to construction management. They are proposed during the construction period only; a 3 year period is requested. There is a companion application for listed building consent - 16/01234/LBC.

1.5 The application is brought to committee at the request of Councillor Warters, for Members to assess their impact on visual amenity and on listed structures. To enable construction, the council has already allowed for part of the front wall to be removed, to provide a site access. The entrance gate could be used to accommodate signs and it is questioned whether it is appropriate to install advertising to the listed walls of the former convent site.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

2.2 Relevant Draft Local Plan 2005 Policies:

CYGP21 Advertisements

CYHE8 Advertisements in historic locations

2.3 Emerging Local Plan - The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.4 Relevant emerging plan policies are;

DHE2 Heritage Assets

DHE9 Advertisements in Historic Locations

3.0 CONSULTATIONS

3.1 No representations have been made as a result of consultation with the parish/planning panel and local consultation.

4.0 APPRAISAL

KEY ISSUES

4.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 state that powers under these regulations can only be exercised in the interests of amenity and public safety. Factors relevant to amenity include the presence of any features of historic or architectural interest.

4.2 In considering amenity, it is a requirement of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when determining planning applications.

Relevant Planning Policy

4.3 The NPPF states that in determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.4 Relevant 2005 Local Plan policies regarding signs are as follows -

- Policy GP21: Advertisements states that where advertisement consent is required, it will be granted for signs where: their size, design, materials, colouring and any form of illumination does not detract from the visual amenity of the areas in which they are displayed, particularly with regard to the character of listed buildings or conservation areas; where there is no adverse effect on public safety; and in residential areas and on sites clearly visible from roads, the advertisement is in keeping with the scale of surrounding buildings and public areas.
- Policy HE8 adds that on listed buildings advertisements must consist of a design and scale that respects the character and appearance of the area; and be of good quality materials that are sympathetic to the surface to which they are attached.

4.5 The relevant policy of the emerging plan - DHE9 advises as follows -

- Permission will be granted for the display of advertisements where they are of a scale, design, materials, finish and illumination that will not cause harm to visual or residential amenity and will respect the appearance of a building or the street scene in urban areas and villages; and will not create a public safety issue.

ASSESSMENT

Impact on amenity

4.6 The impact on visual amenity and on the listed structures is deemed to be acceptable because there would be public benefits to justify allowing the signs to be in-situ during construction. This is assessed in the listed building consent application 16/01234/LBC.

Impact on safety

4.7 The signs will not be illuminated and they would not protrude onto the public highway. There are no safety concerns.

5.0 CONCLUSION

5.1 The signs would have less than substantial harm on the appearance of listed structures and therefore there would be an adverse effect on amenity. However the signs are proposed for a temporary period only, during construction, and there is reasonable justification for them as they are required to inform and aid with marketing.

5.2 The NPPF states that in assessment of a scheme less than substantial harm must be weighed against any public benefits. In this case the benefits, which are in the interests of the viability and long-term conservation of the listed structures, justify allowing the low level of temporary harm that would occur as a consequence of the scheme.

5.3 There are no safety issues. As such to grant consent for a temporary period would not conflict with NPPF policies on requiring good design and conserving and enhancing the natural environment or the local policies detailed in section 2.

6.0 RECOMMENDATION: Approve

1 The advertisements shall be removed prior to first occupation of the student accommodation development, or in any event, within 3 years of the date of this permission; unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission.

Reason: As only because the signs are proposed for a temporary period is there deemed to be a public benefit which outweighs the less than substantial harm the signs have to listed structures.

2 The development hereby permitted shall be carried out in accordance with the following plans:-Revised plans received 22.8.2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Signs shall be fixed into mortar joints only and not into brickwork.

Reason: To avoid damage to the listed wall, in the interests of its conservation, in accordance with section 12 of the NPPF.

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