

## COMMITTEE REPORT

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

**Reference:** 16/01234/LBC  
**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 1 York Limited  
**Application Type:** Listed Building Consent  
**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.

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 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 The statutory duty under Section 16 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. more weight than if it were simply a factor to be taken account along with all other material considerations.

## RELEVANT PLANNING POLICY

### National Planning Policy Framework

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 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Section 134 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Local Policy

4.5 Draft Local Plan 2005 Policy HE8 requires 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.

4.6 The relevant policies of the emerging plan, DHE2 and DHE9 advise as follows -

- Development proposals will be encouraged and supported where they are designed to conserve, enhance, and add value to the special qualities and significance of York's historic environment, including designated and non-designated heritage assets and their settings.
- 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

4.7 The scheme has been refined and re-submitted since the original proposal.

4.8 For marketing purposes it is proposed to install signs explaining the proposed development and the site history at each side of the arched entrance through the wall. The arch will become the main entrance into the development. The signs will each be 1.8m high (the wall is some 4m high). Two logos of the applicants (Vita student) are also proposed on the wall. The logos would be 1m by 0.6m in area.

4.9 For construction there would be two considerate construction related signs at each end of the site (by the staff and vehicle entrances), and signs identifying the pedestrian and vehicular entrance.

4.10 It is intended these signs are informative and to advertise the forthcoming development and allow marketing of the accommodation. It is acknowledged such practice is permissible in planning policy. National advice in the NPPG is that a temporary planning permission may be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward or more generally to encourage empty property to be brought back into use. In the emerging local plan the background text to the policy on advertisements states that “advertisements play an important role in promoting economic vitality, and where well designed, they can make a positive contribution to the street scene. At the same time a proliferation of signs can be unsightly, distracting and damaging to the appearance of the building, street or area”.

4.11 The convent site where it fronts onto Lawrence Street is some 75m in length. Apart from the two small Vita logo signs, signs are grouped around entrances, which serve differing purposes; being used by construction traffic and what will become the main entrance / entrance for the marketing suite. The signs are reasonably refined in their amount under the circumstances, given the size of the site.

4.12 The enclosed and refined nature of the convent site forms an integral element of its historic value. To install multiple signs on the wall and lodge, which are of fairly substantial scale and modern materials (aluminium panels are proposed) would conflict with the historic importance and character of the site and subsequently have less than substantial harm to the listed structures.

4.13 Because there would be less than substantial harm caused, the test is therefore whether there are public benefits which can justify the harm. National planning guidance (NPPG) states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress, public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.14 In this case there are considered to be adequate public benefits to justify the scheme and these are as follows -

- The amount of advertising is restrained given the size of the site.
- The construction signs are informative only. Only two signs are proposed by the vehicular entrance. Their proposed location on the wall, is functional, given that the gates are open during working hours.
- Construction signs are justified, being recommended as part of the considerate constructor's scheme.
- The works are reversible; signs will all be fixed so they do not damage the brickwork and would be temporary; removed at the end of the construction period.
- The signs to advertise the development and identify the marketing suite will reasonably assist in the economic viability of the development, securing a viable use for the site, consistent with its conservation. The signs would also be removed at the end of the construction period.

## **5.0 CONCLUSION**

5.1 There is less than substantial harm caused by the proposed signs. The signs are in the interests of the viability of the heritage asset and are only required for a temporary period (which would be secured through condition). Due to the low level of harm and public benefits there is justification for the harm. As such the proposal does not conflict with the NPPF and in granting consent, subject to conditions, the council would have complied with the statutory requirement in the act to special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**6.0 RECOMMENDATION:** Grant consent for a temporary period only

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.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans in order to make proposals acceptable and through the use of planning conditions.

### **2. EXISTING UNAUTHORISED SIGNS**

All existing unauthorised signs fixed to the wall and Extern House should be removed.

#### **Contact details:**

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