

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Heworth  
**Date:** 27 September 2007      **Parish:** Heworth Planning Panel

**Reference:** 06/02234/REM  
**Application at:** Council Depot Foss Islands Road York YO31 7UL  
**For:** Amendment to external appearance of superstore previously approved by reserved matters application (04/03871/REM)  
**By:** Wm Morrison Supermarkets  
**Application Type:** Approval of Reserved Matters  
**Target Date:** 22 December 2006

### 1.0 PROPOSAL

1.1 This application relating to the Morrisons supermarket at Foss Islands Road seeks to alter the details of external appearance, to conform to that actually built.

#### Planning History

1.3 In November 1999, an outline application ref 99/02882/GRG4 was submitted (which sought permission for a non food retail park development on a site falling generally within the site of the current planning application but including additional land to the south and excluding certain parcels to the north. At the 2nd March 2000 Planning and Transport Committee, Members resolved to approve the application subject to the referral of the application to the Secretary of State and subject to the signing of a Section 106 Agreement.

1.4 On 28 September 2000, Members approved a revision to the scheme, which involved the re-siting of the restaurant and associated car parking. The application (comprising the revision) was referred to the Secretary of State who confirmed that the application would be left to the determination of the Local Planning Authority. Negotiations relating to the Section 106 Agreement proceeded but were not completed due to the nature of the scheme and the precise site area changing over time.

1.5 A revised outline application (03/00737/GRG4) was submitted in 2003, and planning permission was issued on 9th December 2004 following referral of the application to the Government Office for Yorkshire and Humber, the completion of a Section 106 Agreement. The outline application, which included details of the siting and means of access for consideration at that stage, established the principle of the development and set limitations on the amount of food and non food retail floorspace, as follows:-

- Non-food retail units with a footprint of 6,970 sq m (75,000 sq ft) and gross floorspace of 10,220 sq m (110,00 sq ft)
- A foodstore of 6,718 sq m (82,000 sq ft) for occupation by Morrison Supermarkets, to include a petrol filling station.

- A restaurant of 372 sq m (4,000 sq ft)
- Relocation of Kwik Fit 643 sq m (6,830 sq ft).

1.6 That outline permission was then amended by planning permission 04/04420/GRG4 dated 7th June 2005. This was also a Section 73 application and was sought in order to allow the redevelopment of the site in phases and introduced a phasing condition to allow for this. A number of the other conditions were also amended. A further outline permission was then issued on 2nd September 2005 which further varied condition 4 (non-food sales floorspace be limited) of 04/04420/GRG4.

1.7 A reserved matters application was submitted in December 2004 (04/04381/REM) illustrating the same layout and footprint as that indicated at the time of the outline application, but also including details of the cycle, bus and pedestrian route onto and through the site from Foss Islands Road to the James Street Link Road.

1.8 In July 2006 an application to vary the condition listing the approved drawings of the outline approval was granted 06/00338/GRG3, as was a reserved matters application for the amended details 06/00333/REM. The amendments involved:-

- alterations to the elevations of the Morrisons supermarket.
- incorporation of Homebase to operate from one of the units in the non-food retail park area. This involves the introduction of a garden centre and consequently requires a revised footprint in order to accommodate Homebase's trading requirements.
- a reduction in the size of the petrol filling station canopy and a reconfiguration of the general layout of the area around the petrol filling station.
- minor alterations to the car park layout.

1.9 An amended footprint of the building to reflect the store as built was approved in August 2007. This showed the building closer to the base of the listed chimney. It had been concluded there was no case to refuse the amended siting and take action to reposition the building under construction, given the previous dilapidated structures and plant at its base, and the fact that the previous approval for a superstore showed the chimney within 2 metres and half way along of a side elevation of the store.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Multiple (Spatial)

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Chimney At Works Depot Foss Islands Road 0024

2.2 Policies:

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL.**

Highway Network Management - No objections.

Environment Conservation and Sustainable Development - States the corner is now two storeys in height and it steps forward of the store towards the chimney, rather than being recessed to acknowledge its presence and create a more comfortable space for customers around the base. The exact distance between the structures has not been measured on site but the distance between the two structures has at least halved. With such a bulky structure this makes a difference to the setting of the chimney. However:-

- 1) The wider setting of the chimney is better than it was before.
- 2) Delapidated later accretions have been removed from the base of the chimney thereby improving its immediate setting (this was the case before as well).
- 3) The alterations to this corner of the store represent an improvement in the architectural treatment of the store taken on its own merits.

City Development. - No policy issues.

#### **3.2 EXTERNAL**

No third party comments have been received in respect of this application for revised appearance.

### **4.0 APPRAISAL**

#### **4.1 Key issues:-**

- Impact of amended details upon visual amenity of locality

- Impact of development upon setting of listed chimney tower

## POLICY CONTEXT

The most relevant policy context for the consideration of the details submitted is as follows.

### 4.2 National Planning Policy

PPS1 (Delivering Sustainable Development)) - sets out the Government's objectives for the planning system, promotes sustainable development through the planning system, offers guidance on the seeking to achieve good design to create well mixed and integrated developments.

PPG15 (Planning and the Historic Environment) - Emphasises that new buildings should be carefully designed where they stand along side historic buildings and the principles of scale, height massing and materials need to be taken into account the setting of adjacent listed buildings and ancient monuments.

### 4.3 Statutory Development Plan

RPG12: Regional Planning Guidance for Yorkshire and the Humber (2001) and Revised Spatial Strategy for Yorkshire and the Humber (2004)

The Guidance provides a framework for strategic planning in the region to 2016. The guidance echoes national planning policy. It sets out locational principles for development and encourages development to be located within urban areas. It reiterates the sequential approach to housing development and provides policy advice on, amongst other planning issues, affordable housing, historic and cultural resources, and development and flood risk

North Yorkshire County Structure Plan : The most relevant for this reserved matters submission are as follows:-

E4 - States that buildings and areas of special townscape architectural or historic interest will be afforded the strictest protection.

Development Plan Town Map 1956 : The approved development plan comprises the 1956 Development Plan Town Map under which the site is allocated for industrial purposes. This Development Plan however is significantly out of date and in accordance with advice in PPG1 the land allocations should be given little weight in the determination of this application.

### 4.4 Non-Statutory Policy

City of York Development Control Draft Local Plan 2005:relevant policies are as follows:-

GP1 - requires a standard of design that respects the local environment.

GP3 - encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting.

GP4a - states the principles of sustainable development as defined in the policy should be regarded in all development proposals.

GP11 - requires new developments and their open space areas to provide for access and facilities for people with mobility problems as well as carers with children, including parking facilities.

HE2 - states in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development would be expected to respect their settings.

4.5 The changes proposed to the elevations include alterations to the secondary entrance, which is adjacent to the Foss Islands end of the link road and the chimney. The approved scheme shows a single storey entrance lobby with corner of the building cut out to give more space to the base of the chimney. The revised scheme drawings, which illustrate the store as now built, show a 2-storey element on the revised footprint, such that the entrance is closer to the base of the chimney. A hipped roof to match the rest of the roof profile is incorporated. The corner is supported by a pillar. The corner entrance has full height glazing to the 2 sides.

4.6 The amendments to the scheme have few implications for the overall visual impact of the superstore within the locality. The building would be of very similar appearance, except for the corner nearest to the chimney. As stated by the Environment Conservation and Sustainable development, the amendment does in fact improve the architectural treatment of the store as a building.

4.7 In terms of the effect on the siting of the chimney, the amendments reduce the area around its base and bring the now 2-storey corner of the building at this point closer to its base. The eaves line of the store now appears to be just above the pronounced stone coping which terminates the chimney plinth. Whilst the amended height closer to the base of the chimney is less satisfactory than the previous detail, the development still represents an enhancement of the setting of the chimney, and so in planning terms there is no reasonable basis to now refuse the amendment and pursue action to have the building altered to the previous design.

## **5.0 CONCLUSION**

5.1 The amendments to the approved details of the superstore, which conforms to the amended siting, are considered to be acceptable. The store as now built is higher at its closest point to the base of the listed chimney at the site, but the overall

development still results in a significant enhancement of the setting of the chimney over the previous incinerator and civic amenity site. The chimney's value as a landmark building on the York skyline remains undiminished. The other more minor alterations to the building are also considered to be acceptable.

5.2 As the store is now virtually complete, there are no conditions to impose on this application, which seeks approval of the appearance of the building only.

**6.0 RECOMMENDATION:** Approve

**7.0 INFORMATIVES:  
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to local visual amenity and the setting of the grade II listed building adjacent . As such the proposal complies with Policies E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a ,GP11 and HE2 of the City of York Local Plan Deposit Draft.

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