

COMMITTEE REPORT

Date: 9 April 2015
Team: Major and Commercial Team
Ward: Holgate
Parish: Holgate Planning Panel

Reference: 14/02862/FULM
Application at: National Railway Museum Leeman Road York YO26 4XD
For: Erection of events tent to accommodate events for a temporary period of 3 years following removal of elevated platform structure
By: Fiona Grimshaw
Application Type: Major Full Application (13 weeks)
Target Date: 10 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 Temporary planning permission is sought for an events tent to the west of the Grade II listed Former North Eastern Railway Goods Station. The tent would be sited over existing railway tracks, no tracks would be removed. The removal of a raised timber platform will be required. The existing Signal Box would be enclosed within the tent. The intended use of the tent is for events including theatre performances in association with the York Theatre Royal as well as corporate entertainment. In addition 4 no. modular units are also required in association with the use of the tent, to provide toilet and shower facilities. Temporary planning permission for the operational development is sought for 3 years.

1.2 The tent would measure 69.6 metres in length and 26.13 metres in width. The proposed tent would have a maximum height of 13.4 metres; the adjacent Former North Eastern Railway Goods Station is 12 metres in height.

1.3 The site is within an Area of Archaeological Importance. Part of the site is within Flood Zone 2.

1.4 A noise assessment was submitted during the application process together with revised plans showing the siting and appearance of the modular units and the relocation of the generators.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Contaminated Land GMS Constraints:

GMS Constraints: Flood zone 2

Listed Buildings: Grade 2; Former North Eastern Railway Goods Station Leeman R

2.2 Policies:

CGP15A Development and Flood Risk

CYHE4 Listed Buildings

CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

CYHE10 Archaeology

CYGP23 Temporary planning permission

CYV1 Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design Conservation and Sustainable Development

3.1 No comments received

Flood Risk Management Team

3.2 No comments received

Environmental Protection Unit

3.3 No comments at the time of writing, comments will be reported at the committee meeting.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Holgate Planning Panel

3.4 No objections

Network Rail

3.5 No observations to make

Yorkshire Water

3.6 No comments received

4.0 APPRAISAL

KEY ISSUES

- Impact on the setting of the listed building
- Noise and residential amenity
- Flood Risk
- Impact with Area of Archaeological Importance

ASSESSMENT

PLANNING POLICY

4.1 The core principles within the National Planning Policy Framework (NPPF) seek to secure high quality design; encourage the use of previously developed land and conserve heritage assets in a manner appropriate to their significance.

4.2 The City of York Development Control Local Plan 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 NPPF.

4.3 Policy V1 'Visitor Related Development' states that visitor related development will be encouraged. Account will be taken of whether the proposal: has made adequate servicing arrangements; is accessible to public transport routes; will result in increased traffic, parking, cycles and pedestrian movement on public highway and pedestrian/cycle routes; is likely to improve the prosperity of the tourism industry and the City's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land; adversely impacts on the countryside setting of the City.

4.4 Policy GP23 'Temporary Planning Permission' states that Planning permission will be granted for the temporary use of land or the erection of temporary buildings for a limited period provided:

- a) there would be no loss of amenity to the occupants of adjacent property as a result of the proposal; or
- b) the applicant can demonstrate that there is no viable permanent alternative immediately available; and
- c) where appropriate, plans are to be brought forward for permanent development; and
- d) that the period for which consent is sought is the minimum required to allow the permanent development proposal to be implemented; or
- e) a trial period is necessary for the development, to allow an assessment of its character or effects.

IMPACT ON HERITAGE ASSETS

4.5 Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 requires the Local planning authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. This legal statutory test is in addition to the policy tests set out in the NPPF and must be demonstrated in the determination process as having been complied with.

Where there is found to be harm to the setting of a listed building, the statutory duty means that the desirability of avoiding such harm should be afforded considerable importance and weight. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. This proposal affects the setting of a grade II listed building, and therefore Section 66 is engaged.

4.6 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise para 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, para 137.

4.7 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.8 The proposal would result in some harm to the setting of the listed building by virtue of its proximity, scale, the covering of the railway tracks which are part of the purpose, significance, setting, and character of the building. In line with Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 the harm caused should be afforded considerable importance and weight and the LPA "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".

4.9 The proposed event tent would be temporary and the supporting information states that it would be used for a temporary relocation from the Theatre Royal (which is currently undergoing improvements) of a railway themed programme together with the use of the tent for corporate and other events. On balance it is considered that the limited temporary harm caused by the proposed event tent is outweighed by the public benefits arising from the proposal including the provision of facilities for performances while the Theatre Royal is undergoing refurbishment.

4.10 The timber platform is a recent addition and has a temporary appearance. The removal of the platform is not considered to harm the significance or special interests of the building.

4.11 The applicants have confirmed that the tent would be used for matinee and evening theatre events as well as corporate events. The applicants have provided some details of the theatre performances until February 2016. As discussed above the proposed tent does cause modest harm to the setting of the listed building, and its short timescale and the theatre justification are considered to override the presumption against granting permission. No details have been provided as to the number of corporate events that would be expected, however the applicant has confirmed that they would finish at 23.00 hours. These corporate events are considered to be a temporary extension of the current provision and the agent has verbally confirmed it is taking advantage of the provision of the tent rather than being a reason for the tent. To ensure that it is viable to erect the tent for the theatre productions it is intended for the tent be retained for three years so corporate and other events can be held. Corporate events are significant part of the museums' business, and as a result are of a wider economic benefit to York. The tent would allow for an extension of this corporate events aspect; however this growth in business if maintained may subsequently require a permanent alternative.

NOISE AND RESIDENTAIL AMENITY

4.12 The closest dwellings are 125 metres from the proposed tent. A noise survey has recently been submitted, at the time of writing the Environmental Protection Unit were reviewing the report, comments will be reported at the meeting. It is expected that noise issues can be dealt with via conditions.

4.13 The site is accessible by public transport; the increase in traffic as a result of the temporary building is unlikely to be significant. There are sufficient car parks adjacent to the site. The tent by virtue of its scale and location would be visible from public viewpoints, however as the tent would be temporary, its visual impact is considered to be mitigated.

FLOOD RISK

4.14 The majority of the site is within Flood Zone (FZ) 1, with part of the proposed site within Flood Zone 2. The proposed plays will be railway themed and some require railways tracks for trains to access the tent. There are no alternative/suitable sites within FZ1 within the curtilage of the museum which could accommodate the tent. No specific mitigation measures have been provided, although if the area and tent were to flood, the impact would be minimal and the erection of the tent is not considered to result in flooding to other areas.

The National Planning Policy Guidance and the CYC Strategic Flood Risk Assessment (2013) state that where there are no reasonably available sites in Flood Zone 1, Local Planning Authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2. The proposed use is considered to fall within the 'Less Vulnerable' classification, as such in accordance with the SFRA the temporary development is considered to be appropriate. The SRFA confirms that an Exception Test is not required for less vulnerable development within Flood Zone 2.

IMPACT ON ARCHAEOLOGY

4.15 The site lies within the City Centre Area of Archaeological Importance. The applicant has not submitted a desk based assessment of the potential impact to archaeology in line with the NPPF. The proposed tent would require anchorage foundations, depending on soil conditions this will either be steel stakes, earth augers, concrete piles, or ballast blocks. Any of these options are considered to have minimal or negligible impact on any archaeology that may be present, and would certainly fall well below the 5% maximum for disturbance any deposits referred to in Policy HE10. The current surfacing of ballast and tracks would remain. Notwithstanding these minimal groundworks, Members will be updated as to whether archaeological conditions relating to a watching brief and mitigation are considered necessary.

5.0 CONCLUSION

5.1 The proposed development would result in harm to the setting of the listed building, the harm should be afforded significant weight together with the desirability of preserving the building's setting, and features of special architectural or historic interest". The public benefits of the temporary relocation from the Theatre Royal (which is currently undergoing improvements) in addition to the works being reversible and its temporary nature are considered to outweigh the harm even when affording considerable importance and weight to that harm in the planning balance. Therefore subject to the Environmental Protection Unit being satisfied with the noise report and any additional conditions arising from their assessment of it, a temporary planning permission of 3 years is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The tent and associated modular units hereby approved shall be removed by 30 April 2018 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The tent would result in harm to the setting and special interests of the listed building and as such is considered inappropriate on a permanent basis.

The timescale and the theatre justification are considered to temporarily outweigh this harm.

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

Drawing Number 4002 (05)30 Revision A received 24 March 2015;
Drawing Number 4002 (05)31 Revision C received 19 March 2015;
Drawing Number 4002 (05)32 received 16 January 2015;
Drawing Number 4002 (05)33 received 3 February 2015;

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

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:

- Request additional information and revised plans
- Use of Conditions

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