



**Report Reference Number:** 2021/0302/ADV

**To:** Planning Committee  
**Date:** 12<sup>th</sup> May 2021  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0302/ADV	PARISH:	Selby Town Council
APPLICANT:	Selby District Council	VALID DATE:	25th March 2021
		EXPIRY DATE:	20th May 2021
PROPOSAL:	Advertisement consent for 1 No non illuminated plastic floor vinyl		
LOCATION:	Street Record Micklegate Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as this is an application by Selby District Council.

## 1. Introduction and background

### Site and Context

- 1.1. The application site is located within the defined development limits of Selby, which is a Principal Town as identified in the Core Strategy.
- 1.2. The application site is located on the open paved area of Micklegate within the Selby Town Conservation Area and within the setting of a number of listed buildings.

### The Proposal

- 1.3. The application is for advertisement consent for 1 non illuminated plastic floor vinyl (4 metres by 3 metres) applied to the surface of the pavement with heat and is temporary so can be removed at any time.

## **Relevant Planning History**

- 1.4. The following historical application is considered to be relevant to the determination of this application.
- CO/1996/0929, Engineering works to provide new surfaces; alterations to layout of car park and creation of pedestrian square and amenity area at, Address: Car Park, Micklegate, Selby, North Yorkshire, YO8 4EA,,Decision: PER, Decision Date: 10-DEC-96

## **2. CONSULTATION AND PUBLICITY**

- 2.1. **NYCC Highways** – NYCC Highways have raised no objections to the proposed development.
- 2.2. **Parish Council** – No response received.
- 2.3. **Conservation Officer** - The proposed signage relates to the current Covid-19 pandemic and a campaign for the safe re-opening of the district's High Streets. The application seeks use of the signage until April 2022. The signage is located on the pavement. The vinyl is bold, but the colour palette is also relatively muted. Whilst the signage is not something that would be usually welcomed in a traditional setting such as this (Selby Conservation Area), the public benefit of provided the temporary signage, in light of the current pandemic, will need to be considered against conservation concerns. The Council should be mindful to take the signage down at the earliest opportunity when no longer required.
- 2.4. **Neighbour Summary** - A site notice was erected, and an advert placed in the local press. This has resulted in no letters of representation being received.

## **3. SITE CONSTRAINTS**

### **Constraints**

- 3.1. The application site is located within the defined development limits of Selby, which is a Principal Town as identified in the Core Strategy.
- 3.2. The application site is located within the Selby Conservation Area and within the setting of a number of listed buildings. This includes the Grade II Listed Buildings along Micklegate and Finkle Street, 39 Micklegate and 31 Finkle Street.

## **4. POLICY CONSIDERATIONS**

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby

District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

- 4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

### **Selby District Core Strategy Local Plan**

- 4.6. The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP15 – Sustainable Development and Climate Change
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality

### **Selby District Local Plan**

- 4.7. The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
  - ENV31 – Advertisement within Conservation Areas
  - ENV32 - Advertisements and Listed Buildings
  - T1 – Development in Relation to the Highway Network
  - SEL/10 - Services and commercial uses in the Town Centre

## **5. Appraisal**

### **The Town and Country Planning (Control of Adverts) Regulations 2011**

- 5.1. Under the control of the Town and Country Planning (Control of Adverts) Regulations, the proposals within this application fall outside of any of the deemed

consents and therefore an application has been made and assessed under these regulations.

- 5.2. The regulations require that local authorities shall exercise their powers under these regulation only in the interests of amenity and public safety, taking account of any material factors, and in particular;
- A. In the case of amenity, the general characteristics of the locality, including the presence of any feature of historical, architectural, cultural or similar interest.
  - B. In the case of public safety;
    - i. The safety of any person who may use any road, railway, waterway dock, harbour or aerodrome;
    - ii. Whether any display of advertisements is likely to obscure, or hinder, the ready interpretation of any road sign, railway signal or aide to navigation by water or air.
- 5.3. It is considered that the main issues for consideration in the determination of this application are as follows:
- iii. Visual Impact on the Character and Form of the Locality
  - iv. The Impact on Amenity and Highway Safety

#### **Visual Impact on the Character and Form of the Locality**

- 5.4. The application site is located within Selby development limits and is within the Selby Conservation Area. The application seeks advertisement consent for 1 No non illuminated floor vinyl measuring 4 metres by 3 metres. This plastic vinyl is to be applied to the surface of the pavement with heat and is temporary so can be removed at any time.
- 5.5. The proposals are for the advertisement of returning to the high street safety due to the current global pandemic of COVID-19.
- 5.6. The temporary nature of the signage ensures that it can be removed at any time without causing any damage to the fabric of the pavement. The maximum height of any of the individual letters and symbols would be 0.3 metres. The colour of the text and background would be red, cream, maroon and blue.
- 5.7. The sign is to be placed in the floor for a period up from the point that consent is given until the 1st of April 2022.
- 5.8. The advert is to displace safety messages and icon images relating to COVID-19 safety. This is a part of the ERDF funded Selby District Council campaign for Reopening High Streets Safely.
- 5.9. The application site is located within the Selby Conservation Area and within close proximity to a number of listed buildings. Therefore, the proposed development has the potential to impact on a number of heritage assets.
- 5.10. Whilst it is noted that no Heritage Statement has been provided the impact is easily assessed due to the nature of the submission. It is considered that the proposal will have some temporary harm to the surrounding heritage assets as discussed within this report. However, details have been provided in terms of the need for the

advertisement and the public benefits involved through raising awareness of social distancing measures and COVID-19 safety messages.

- 5.11. Overall, whilst it is acknowledged that the proposals will have some limited harm to the surrounding heritage assets, it is considered that this harm is outweighed by the temporary nature and public benefits.
- 5.12. The Planning, Listed Buildings and Conservation Act 1990 includes a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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. The NPPF states in paragraph 193 that *'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...'*
- 5.13. Given the above any harm albeit less than substantial would be required to be outweighed by the public benefits. It is noted from the information provided that the signage would provide clear public benefits through raising awareness of social distancing measures and COVID-19 safety messages.
- 5.14. It is noted that the Conservation Officer has commented that the signage is not something that would usually be welcomed in a traditional setting. However, the Conservation Officer has noted the clear public benefits associated with the proposals. Furthermore, the Conservation Officer has advised that the signage should be removed at the earliest opportunity when no longer required. The signage is recommended to be displayed on a temporary basis and removed after 1<sup>st</sup> April 2022.
- 5.15. In considering the design of the signage, although there are a variety of colours, these are simple in form and design. Furthermore, it is considered that the signage is of an acceptable size and scale within the context of the street scene.
- 5.16. Overall, in considering the proposed application for advertisement consent would not be unduly intrusive or dominant in the street scene and would not have an adverse effect upon the character of the Conservation Area or the setting of nearby listed buildings. The proposal is considered to be acceptable in terms of visual amenity of the area. The proposal therefore accords Policies ENV1, ENV31 and ENV32 of the Selby District Local Plan and the advice contained within the NPPF.

### **The Impact on Amenity and Highway Safety**

- 5.17. Policies in relation to highway safety are Policies ENV1 (2) and T1 of the Local Plan and Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF.
- 5.18. It is noted that the signage is within close proximity to the highway. North Yorkshire County Council Highways have been consulted on the application and have raised no objections. The proposal is flat with the surface of the pavement and will cause no distraction to road users.
- 5.19. Overall, having had regard to the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1

(2), T1 and EMP9 (1) of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

## **6. Conclusion**

6.1. The proposals for advertisement consent would not be unduly intrusive or dominant in the street scene and would not have an adverse effect upon the character of the Conservation Area or surrounding listed buildings. The proposal is considered to be acceptable in terms of visual amenity and highway safety. The proposal therefore accords Policies ENV1, ENV31 and ENV32 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **7. Recommendation**

7.1. This application is recommended to be GRANTED, subject to the following conditions:

01.

- i) The consent hereby granted is valid until 1<sup>st</sup> April 2022.
- ii) All advertisements displayed, and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- iii) Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the local authority
- iv) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) Regulations 2011 to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority, leaving the site in a safe, clean and tidy condition that will not endanger the public or impact the site's visual amenity.

Reason:

In order to comply with the provisions of the Town and Country Planning (Control of Advertisement) Regulations 2007.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Gotch's Square – Proposed Signage (Site Location Plan and Elevations) - RHS04

Reason:

For the avoidance of doubt.

## **8. Legal Issues**

### **8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

**9 Financial Issues**

Financial issues are not material to the determination of this application.

**10 Background Documents**

**Planning Application file reference 2021/0302/ADV and associated documents.**

**Contact Officer: Rebecca Leggott (Senior Planning Officer)**

**Appendices: None**