



**Report Reference Number:** 2019/0434/ADV

**To:** Planning Committee  
**Date:** 7 August 2019  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

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|---------------------|--|--------------|--------------------|
| APPLICATION NUMBER: | 2019/0434/ADV  | PARISH:      | Selby Town Council |
| APPLICANT:          | Selby District Council   | VALID DATE:  | 7th June 2019      |
|                     |  | EXPIRY DATE: | 2nd August 2019    |
| PROPOSAL:           | Retrospective application for consent for 14 No lamp post banners throughout Selby town centre |              |                    |
| LOCATION:           | Gowthorpe<br>Selby   |              |                    |
| RECOMMENDATION:     | GRANT  |              |                    |

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

It should be noted that amended plans have been sent out for consultation of which the consultation period ends on the 6 August 2019. Therefore the recommendation to approve the proposed development is subject to no additional material considerations being raised through this consultation.

## 1. Introduction and background

### Site and Context

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

### The Proposal

- 1.3 The retrospective application is for consent for 14 No. lamp post banners throughout Selby town centre to be in place until 31<sup>st</sup> December 2019.

- 1.4 The banners are in support of a calendar of cultural/community and heritage events in celebration of Selby Abbey's 950th Anniversary.
- 1.5 Following discussions with the applicant the number of banners have been reduced from 20 banners to 14 banners and 6 of the banners have now been removed. The colour of a number of the banners has also been changed so as to preserve and enhance the surrounding heritage assets. Further to this, a number of the frames in which the banners are held have been reduced in length so as to not over hang the highway.
- 1.6 The application site consists of a number of lampposts along the main highway through Selby town centre. This consists of, the Crescent, Park Street, Market Cross and Gowthorpe.

### **Relevant Planning History**

- 1.7 There are no historical applications which are considered to be relevant to the determination of this application.

## **2. Consultation and Publicity**

- 2.1 **NYCC Highways Canal Rd** – NYCC Highways initially commented that, the banners which overhang the highway should have a 5.2 metre clearance from ground floor level.

Following discussions with the applicant the proposal has been amended with the frame which the banners are attached too has been reduced in size so as to ensure that the banners no longer over hang the highway.

Following receipt of the amended plans NYCC Highways have been consulted and have raised no objections

- 2.2 **Historic England** – Historic England have stated that they do not wish to offer any comments on the proposed development. However, have advised that the local planning authority seek the views of the council's specialist conservation and archaeological advisers, as relevant.

Following receipt of the amended plans Historic England have been re consulted on the amended proposals and have until 6<sup>th</sup> August 2019 to provide comments.

- 2.3 **Parish Council** - Selby Town Council have raised no objections to the proposed development subject to consultation with neighbouring residents. Furthermore, it is noted that Selby Town Council have stated that the applicant should have made a planning application before the works were carried out.

Following receipt of the amended plans the Selby Town Council have been re consulted on the amended proposals and have until 6<sup>th</sup> August 2019 to provide comments

- 2.4 **Conservation Officer** – The Conservation Officer has raised concerns for the impacts the proposal will have on the surrounding heritage assets. Therefore, in order to be positive and proactive has suggested that a number of banners be removed and a number of the colours on the remaining banners be switched to

more conservative colours so as to reduce the impacts on the surrounding heritage assets.

Following discussions with the applicant the proposals have been amended with the number of banners being reduced from 20 banners to 14 banner and a number of the colours being altered so as to reduce any impacts on the surrounding heritage assets.

Following receipt of the amended plans the Conservation Officer has been consulted and has provided additional comments. In summary these acknowledge that a complete Heritage Statement has been submitted which provides a more details assessment of the assets and the impact. Furthermore, the number of banners have been reduced and some of the more garish colours are proposed to be removed. This will reduce the impact and harm caused to the significance of the designated heritage assets of Listed Buildings and the Selby Conservation Area.

However, the Conservation Officer has commented that the banners are still large and the frames will still project beyond the actual banner, this element of the proposal is still a concern and ideally the size and design of the frame should be improved to be more sympathetic in this sensitive location.

However, the Conservation Officer has concluded that it is considered that the development will still result in less than substantial harm. However as this proposal is for temporary permission, the harm will be removed once the banners and their frames are removed.

- 2.5 Neighbour Summary** - All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. This has resulted in no letters of representation being received.

Following receipt of the amended plans all immediate neighbours have been re consulted on the amended proposals and have until 6th August 2019 to provide comments

### **3. Site Constraints and Policy Context**

#### **Constraints**

- 3.1. The application site is located within the defined development limits of Selby, which is a Principle Town as identified in the Core Strategy.
- 3.2. The application site is located within the Selby Town Conservation Area and within the setting of a number of listed buildings. This includes the Grade I Listed, Church of St Mary and St Germain (Selby Abbey) and 36 other Grade II Listed Buildings along, the Crescent, Park Street, Market Cross, Finkle Street and Gowthorpe.

#### **Policy Context**

- 3.3. 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.

- 3.4. 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.
- 3.5. 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.
- 3.6. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -
- 3.7. “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).”
- 3.8. The principal Core Strategy Local Plan 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**

- 3.9. 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

## **4. Appraisal**

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

- 3.10. 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.

- 3.11. 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.
- 3.12. 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**

- 3.13. The application site is located within Selby development limits and is within the Selby Town Conservation Area. This application seeks advertisement for consent for 14 No. Banners in Selby Town Centre.
- 3.14. The retrospective proposal is for the advertisement of the celebrations surrounding the 950<sup>th</sup> Year anniversary of the Selby Abbey.
- 3.15. The banners are 2 meters in height and 0.6 metres in width with the bars which the banner is attached to extending 0.8 metres in width and the banners would be 1.2 square metres in area.
- 3.16. The banners are attached with fixtures to a number of lampposts with a minimum clearance from ground floor level at 3 metres and a maximum of 4 metres clearance from ground floor level. Furthermore, the text "Selby 950" on the banners is approximately a font size of 0.35 meters. The banners are made from PVC plastic of a variety of different colours, including:
- Citrine
  - Lime Green
  - Magenta
  - Merlot
  - Teal
  - Violet
- 3.17. The application site is located within the Selby Town 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.
- 3.18. The applicant has submitted an amended Heritage Statement. This document provides a more detailed assessment of the proposals.

- 3.19. In summary the Heritage Statement acknowledges that the proposals will cause some harm to the surrounding heritage assets identified at page 6 of the Heritage Statement. However, details have been provided in terms of the need for the banners and the public benefits involved through raising awareness and promoting the Selby 950 celebrations. Some of the benefits described include, Selby 950 events, regeneration of the high street, encouraging visitors, visible links through Selby town.
- 3.20. In terms of design the Heritage Statement considers that, the banners have been designed in such a way to minimise impacts on the surrounding heritage assets and the black fixings are subtle so as to be visually appropriate within the townscape.
- 3.21. Overall the heritage statement acknowledges that impacts the proposals will have on the surrounding heritage assets and overall design the Selby Town centre. However, despite some harm being identified the heritage statement considers that this harm is outweighed by the high quality design and public benefits provided through raising awareness of the Selby 950 celebrations.
- 3.22. 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...'*
- 3.23. 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 retrospective banners would provide public benefits in that they would be *'...in support of a calendar of cultural/community and heritage events in celebration of Selby Abbey's 950th Anniversary.'*
- 3.24. It is noted that the Conservation Officer raised concerns in relation the impacts the original retrospective banners would have on the surrounding heritage assets. However, through discussions with the applicant the proposals have been amended to reduce the number of banners from 20 banners to 14 banners. This includes amending the colour of one of the banners located directly south of the abbey to a more conservative 'Merlot' coloured banner.
- 3.25. Given the amendments to the proposals the impact on the character and appearance of the area and surrounding heritage assets will be reduce. Therefore, it is considered that the Conservation Officers concerns have been addressed. Though it is noted that the Conservation Officer has been consulted on the amended proposals and in summary has commented that given the number of banners have been reduced and some colour changes this will reduce the impact on surrounding heritage assets. Further to this, it is noted that the conservation officer has commented that the banners are large in 'size and design'.
- 3.26. In considering the design of the retrospective banners although there are a variety of colours these are simple in form and design. Furthermore, from a site visit it is

considered that the banners are of an acceptable size and scale within the context of the street scene.

- 3.27. Overall, in considering the amended scheme the retrospective 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 listed building. 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**

- 3.28. Policies in relation to highway safety are Policies ENV1 (2), T1 and EMP13 (3) of the Local Plan and Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF.
- 3.29. It is noted that a number of the banners are in close proximity to the highway. Having considered this in detail and from a site visit it is evident that a number of the banners over hang the highway and are coming into contact with high sided vehicles such as buses.
- 3.30. North Yorkshire County Council Highways have been consulted on the application and have commented that any banners which over hang the highway would need to have a clearance from ground floor level of 5.2 metres. Further to this any banners overhanging a footway would need to provide a 2.1 metre clearance.
- 3.31. Following discussions with the applicant the proposal have been amended so as to reduce the width of the fixings on the banners to ensure that the banners do not over hang the highway. The amended proposals have reduced the fixings so as to only protrude 0.8 metres from the lamppost. Further to this the banners provide a minimum of a 3 metre clearance and a maximum of a 4 metre clearance. The amended proposals would be secured by way of condition.
- 3.32. Having considered all the amended plans and additional information submitted it is considered that NYCC Highways concerns have been addressed. However, it is noted that NYCC Highway have been consulted on the amended plans and have raised no objections.
- 3.33. Subject to the aforementioned condition, 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.

## **4. Conclusion**

- 4.1 The retrospective proposal 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, 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.

## **5. Recommendation**

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

01.

- i) The consent hereby granted is valid until 31<sup>st</sup> December 2019.
- 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:

- Location Plan 1:100, received 22.07.19
- Selby 950 Lamp Post Banner Guidelines: Lamp Post Style 1 and Lamp Post Style 2, received 22.07.19
- Specifications, received 22.07.19

Reason:

For the avoidance of doubt.

## **6. Legal Issues**

### **Planning Acts**

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

### **Human Rights Act 1998**

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



## **Equality Act 2010**

- 6.3 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.

## **Financial Issues**

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

## **Background Documents**

- 6.5 Planning Application file reference 2019/0434/ADV and associated documents.

### **Contact Officer:**

Rebecca Leggott, Senior Planning Officer

[rleggott@selby.gov.uk](mailto:rleggott@selby.gov.uk)

### **Appendices:**

None