

## COMMITTEE REPORT

**Date:** 19 October 2022      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel  
**Reference:** 22/00426/ADV  
**Application at:** Union Terrace Car Park Clarence Street York  
**For:** Display of 1no. internally illuminated totem sign  
**By:** City Of York Council  
**Application Type:** Advert Application  
**Target Date:** 22 April 2022  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to the proposed erection of a 5m high internally illuminated 'totem' sign on the south eastern section of Union Terrace car park. The sign is proposed to advertise the existence of 8 vehicle charging stations which are proposed adjacent to the sign and for which there is a concurrent planning application (reference 21/02295/GRG3). The sign would be located around 30m from the boundary with Clarence Street and 18m from the boundary wall that runs along the south-western boundary of the car park.

1.2 The boundary of the Central Historic Core Conservation Area runs along the south-western and north-eastern boundary of the car park. The car park itself is not in the Conservation Area.

### 2.0 POLICY CONTEXT

Publication Draft City of York Local Plan 2018 (DLP)

D4 Conservation areas  
D13 Advertisements

### 3.0 CONSULTATIONS

INTERNAL

## Design, conservation and sustainable development (Conservation)

3.1 Consider degree of harm to the adjacent Conservation Area is very modest given the position within the car park and association with the charging hub.

## Highways Network Management

3.2 No objections

## **4.0 REPRESENTATIONS**

### Neighbour Notification and Publicity

4.1 No comments were received.

## **5.0 APPRAISAL**

### 5.1 Key issues

- Amenity including the setting of designated Heritage Assets.
- Public Safety.

## Policy

### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 The revised National Planning Policy Framework (the NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application. Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Chapter 16 includes advice in respect to assessing proposals that impact on Conservation Areas. Any harm caused will be unacceptable unless appropriate public benefits arise from the proposal.

### PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.3 The DLP 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 hearings took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 Policy D13 of the 2018 DLP states that advertisements will be permitted when they are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity and will respect the character and appearance of the street scene. In addition, within conservation areas, illumination will only be supported where the fittings, wiring and level of illumination is designed to preserve or enhance the historic character and appearance of the area and the premises trade as part of the evening economy. Policy D4 (Conservation Areas) is relevant to conservation areas. It requires proposals either preserve or enhance the setting of such areas. If proposals lead to harm they are to be refused unless there are substantial public benefits that outweigh the harm (consistent with the approach in Chapter 16 of the NPPF).

### Amenity

5.5 It is considered that the sign is adequately separate from nearby properties to avoid any harm in respect to outlook or glare.

5.6 In respect to amenity the key issue is the impact on the area's appearance having regard to Union Terrace Car Park's proximity to the Central Historic Core Conservation Area. The approach to the assessment of planning applications impacting on Heritage Assets is set out in Chapter 16 of the NPPF. Relevant to this case is the following approach -

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).
- 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 (202).

### Assessment of significance of heritage assets affected and impacts

5.7 Union Terrace Car park is adjacent to the Central Historic Core Conservation Area. The boundary of this area runs along the south-western and north-western edge of the car park.

5.8 The existing car park does not contribute positively to the character and appearance of the conservation area. The existence of the tree belt and shrubs along the eastern boundary does however help mitigate its impact when viewed from Clarence Street. There is also a treed backdrop to the north-western boundary.

5.9 The proposed totem sign would be constructed of cut vinyl. It would be coloured dark blue. The extent of illumination would be relatively modest. The totem as a whole would not be lit, but only the logo and text. The pricing of the electricity is the main body of the sign and would be lit by LED lighting. The sign is not being erected in isolation but as part of a vehicle charging hub including a canopy over the charging area. Clearly the vernacular is related to that of a petrol forecourt. It is not considered that the totem sign would have a totally neutral impact on the adjacent conservation area's appearance. The totem sign is a fairly large modern structure and the internal lighting would draw some attention to it. It is considered that the degree of harm to the proposal would cause to the character and appearance of the adjacent conservation area would be less than substantial. In concluding that this would be the case regard is given to the existing functional nature of the car park, the position of the proposed totem sign set back from the road (and the conservation area to the south and west) and the provision of street

trees along the boundary with Clarence Street. The degree of illumination is modest and it is noted that it is located in a car park containing 'street' lighting. The dimensions of 5m high, 1.5m wide and 0.5m deep are not excessive in the context of the local built environment.

### Assessment of public benefits

5.10 As less than substantial harm to the conservation area is identified, an assessment of any public benefits is required, to determine whether these outweigh the harm.

5.11 National planning guidance states "public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives, as described in NPPF paragraph 8".

5.12 The public benefits of the scheme are environmental in that the totem sign is part of a proposal that will provide high quality vehicle re-charging provision in a very accessible location. It will help support the transition to a low carbon economy reducing the use of fossil fuels and also improving air quality. The provision of the totem sign will promote awareness of the availability of such provision in the heart of York. It is associated with a charging facility and such facilities are ideally located in existing car parks and as such there is limited flexibility in respect to their location. It is considered that the public benefits from the proposal in promoting and advertising the important public facility are sufficient to outweigh the modest harm that would be caused to the setting of the nearby conservation area.

### Safety

5.13 The sign and illumination are not of a design that would distract road users. There is a well-defined footpath and road in this area and the sign is set back 30m from the highway. It is not of a design or location that would conflict with the safe use of the car park or charging area.

## **6.0 CONCLUSION**

6.1 The totem sign does not raise safety issues. It is adequately separate to neighbouring homes to avoid any significant impact on living conditions. Because of its scale and because it is partly illuminated the sign is not considered to enhance the nearby conservation area, however, because of its location set back within a

large car park the harm caused would be less than substantial. It is considered that the benefits in promoting and supporting an initiative to encourage sustainable travel choices outweigh this modest harm.

## **7.0 RECOMMENDATION:** Approve

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

The 5m totem sign only shown on elevation drawing 90-0181-P07-RE01 dated 12 April 2021.

Site Plan 90-0183-P02-RE01 dated 12 April 2021.

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

2 All lighting shall be static and the luminance level shall not exceed 400cd/m<sup>2</sup>.

Reason: In the interests of visual amenity.

## **8.0 INFORMATIVES:**

### **Contact details:**

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