

COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 24/00447/ADV
Application at: The Mansion House St Helens Square York YO1 9QN
For: Display of community and non-commercial flags from the Mansion House flag pole
By: City York Council
Application Type: Advert Application
Target Date: 18 July 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the display of ‘community and other flags’ from the vertical flagpole, which is located on the top of the Mansion House and has been in place since 1868. The property is a Grade I listed building that is located in the city centre and within the Central Historic Core conservation area.

1.2 The applicant advises that the flags will be approximately 1.8m x 1.2m and will bear a direct relevance to the city and its residents such flags can include, but not limited to, York Pride, Trans Awareness and UNESCO City of Media Arts. All requests to fly a flag are put in writing to the City of York Council in and describe the reason why this has been requested and an image of the flag if applicable and duration. All requests to fly flags have to be agreed by the political Group Leaders and the Lord Mayor. As a general rule all flags are flown either on the day they support/commemorate or for no more than one week this is to allow the city or other permitted flags to be flown. Excluding the permitted flag flying dates the current number of requests to fly additional flags annually on specific dates stand at 4. In addition to this the City Council may receive request which are not for annual flag flying.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

Policy D13 Advertisements

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3.0 CONSULTATIONS

EXTERNAL

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3.1 No comment.

4.0 REPRESENTATIONS

4.1 Objections have been received from members of the public. These can be summarised as follows:

- Approval will allow York Council to lawfully indulge in its biased flying of “virtue signalling” flags which it has hitherto been doing in breach of planning regulations. It is not for certain officers or the ruling group to decide arbitrarily what flags may or may not be flown. I object to any 'variety' of vanity flags being allowed to fly subject only to political choices to be made in behind closed doors.
- The existing protocol whereby all group leaders must agree on a particular flag (other than deemed consent flags) should be maintained and vigorously enforced. The only flags flying should be the Union Flag, York Flag, Royal Standard, National Flags and Military Flags. Any additional flag flying must be only with the unanimous consent and agreement of ALL political factions on the Council.
- The legislation indicates these vanity flags, flown unlawfully without enforcement action on our most significant CYC listed building, need express consent. Nothing states that an undisclosed 'variety' of flags can be given a blanket permission, based on predilections or political imperatives of the Lord Mayor & the 'leaders'. Any blanket approval for flags not listed in this application nor agreed in an open process would breach planning as well as possibly equalities laws, and risk political and financial burdens on the ratepayers.
- It appears part of a concerted campaign to remove any dignity from the non-political governance role from the Lord Mayor and his/her residence. The flagpole on the Mansion House should not be used as a political pawn. The fact that the Mansion House is the main civic building in York with our only official flag pole adds particular significance.
- 'Behind closed door decisions' for flags mean that conflicts will occur, with certain flags put up and others refused, leading to legal and equalities risks. There needs to be a protocol and a hierarchy as all these matters may not all be able to be considered by the planning committee.

- It will be an expensive endeavour and there is zero reason why ratepayers should pay anything at all.
- The COO/MO would need to be the recorded decision makers, as there are so many risks associated with this proposal (*Case Officer Note – it is understood that the abbreviations stand for Chief Operating Officer and Monitoring Officer*)
- The Union Jack is the only flag that should be displayed from the Mansion House flagpole.
- As an army veteran I find this to be highly inappropriate on a Grade 1 listed 18th century civic building. The flagpole should retain decorum and gravitas and the flags flown should be restricted to those not requiring consent as detailed in 1-9 of the Government’s Flying Flags guide. There should be no room for any deviance from this list, the Council should most certainly not be given a blanket permission to fly anything a group of Councillors deem appropriate.
- Flags on official buildings should only display flags as currently allowed with no further extensions approved

[NB: Case Officer Note – the actual title of the document referred to as the ‘Government’s Flying Flags guide’ by objectors, is ‘Flying flags: a plain English guide’, which is essentially a distillation of the Advertisement Regulations]

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the visual amenities and character of the area

BACKGROUND LEGISLATION

5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any provisions of the Act, a Local Planning Authority special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.3 The regulations governing the flying of flags in England are set out in The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended in 2012 and in 2021).

PLANNING POLICY

National Planning Policy Framework

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5.4 The National Planning Policy Framework sets out the Government's overarching planning policies. Central Government advice in relation to the control of advertisements is contained within Paragraph 141. It advises that the quality and character of places can suffer when advertisements are poorly sited and designed and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Local Plan Policies

City of York Draft Local Plan 2018

5.5 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.6 Policy D13: Advertisements advises that permission will be granted for the display of advertisements where they are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity or character of the host building, and will respect the character and appearance of the streetscene and positively reflect interests of amenity and public safety.

ASSESSMENT

Flags that can be flown without consent

5.7 The Advertisement Regulations allows for the display of 'An advertisement in the form of a flag attached to a single flagstaff projecting vertically from the roof of a building' under Deemed Consent. However, only certain flags be flown without express consent. These are referred to as 'Schedule 3 Flags' and the list includes flags: -

- (a) bearing either the name or device, or both the name and device, of any person occupying the building
- (b) referring to a specific event
- (c) bearing the device of any sports club
- (d) bearing six horizontal equal stripes
- (e) bearing the device of award schemes - Eco-Schools, Queen's Awards for Enterprise, Investors in People
- (f) bearing the device of the NHS

5.8 Further flag flying without consent 'Schedule 1 Flags' includes the following:

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- (a) Any country's national flag, civil ensign or civil air ensign; and flags of,
- (b) The Commonwealth, United Nations, any other international organisation of which the UK is a member
- (c) Any island, county, district, borough, burgh, parish, city, town or village within the UK
- (d) The Black Country, East Anglia, Wessex, Part of Lincolnshire, Riding of Yorkshire, historic county within the UK
- (e) Saint David
- (f) Saint Patrick
- (h) Her Majesty's forces
- (i) Armed Forces Day flag

5.9 The above outline indicates that there is a fairly wide range of flags that can be flown from the flagpole on top of the Mansion House without the need for consent. This includes, but is not limited to, flags relating to the occupants of the building, specific events taking place in the building, sports clubs, award schemes, and flags of nations, districts, saints, the armed forces and NHS.

Proposed Flags

5.10 The City Council is seeking advertisement consent for the display of community and other non-commercial flags from the vertical flagpole on the top of the Mansion House. When considering such an application the Advertisement Regulations states that the local planning authority must exercise its powers in the interests of "amenity" and "public safety", taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

5.11 In this regard the Advertisement Regulations states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

5.12 As there are no matters of public safety that arise with the proposal that is the subject of this application, consideration must be limited to interests of amenity.

5.13 In terms of a decision on this application, Part 1, Paragraph 3(4) of the Advertisement Regulations states that an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it appears to the local planning authority to be required in the interests of amenity or public safety.

5.14 In this respect, it is not considered that the display of a single 1.8m x 1.2m flag on the Mansion House flagpole that would be allowed if consent was granted, would have an adverse impact on any nearby historic, architectural or cultural features or the general amenity of the location. Indeed, in planning terms the impact would be little or no different to that of the many flags that can already be flown from the Mansion House flagpole without consent, and it is considered that the application should be approved.

Legislative Compliance

5.15 The proposed flags would not cause harm to the character of the conservation area. As a result, it is considered that if the application is approved the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 CONCLUSION

6.1 The flags proposed by this application would not cause harm to visual amenity or the character of the conservation area, nor would they impact adversely on public safety. The proposal complies with national planning guidance as contained in the National Planning Policy Framework and Publication Draft Local Plan 2018 Policy D13 and it is considered that advertisement consent should be granted.

7.0 RECOMMENDATION: Approve

1 The consent hereby granted shall be carried out in accordance with the following plan:

EXISTING ELEVATIONS dated 25 Mar 2024

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

Contact details:

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