

COMMITTEE REPORT

Date: 6 April 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 17/00159/ADV
Application at: Proposed Banner Sign Spanning Between 5 and 55 - 56
Fossgate York
For: Display of 1no. non illuminated metal banner sign spanning
between numbers 5 and 55 - 56 Fossgate
By: York Civic Trust
Application Type: Advert Application
Target Date: 7 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is for advertisement consent for a metal banner sign across the top of Fossgate, facing Pavement, approximately in the location of the existing unauthorised plastic banner. The sign will be constructed from iron and steel with the words 'Fossgate - Merchants' Quarter' in the centre beneath a central scroll feature. To either side and within the scroll feature will be images of fish. Finishes will be either black paint or milled stainless steel on the fish.

1.2 The intended purpose of the sign is to increase the visibility of Fossgate and to make it more attractive as a commercial and tourist area; to make the area more appealing and accessible; and to draw visitors, residents and business users to enter Fossgate and beyond. The Civic Trust has provided the following justification for the design and need for the banner:

'The proposed banner is not quasi-historic, and neither does it purport to be: it is indisputably a twenty-first century banner. The materials, including stainless steel, and the method of construction, are contemporary. Far from being a disappearing fashion, the use of overhead street signs is a continuing practise in some European and American historic cities.

We are not sure whether this should be considered in the context of a planning decision, but nobody is arguing that Fossgate is a failing street - but we are of the view that it does not contribute as much to the economic activity of York as it is capable of doing. The reason is that Fossgate is not highly visible. Therefore every method of increasing footfall is desirable - different methods are complementary and not alternatives. The banner is one method which is not

harmful to the character of the street. It is achievable by the occupants of Fossgate while other methods are not.'

1.3 The site is within the Central Historic Core Conservation Area. To the West, the banner will attach on to No. 55-56 Fossgate, a Grade II listed building, and to the East, the banner will attach to The Terrace PH, a building identified as a building detractor within the Conservation Area Appraisal.

1.4 Councillor Craghill has requested that the application is determined at sub-committee. She notes that the application has been submitted in conjunction with York Civic Trust and Fossgate traders. She adds that Fossgate, as part of the city centre, is a matter of key concern for many residents and it is in the public interest for the application to be considered at committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
Listed Buildings GMS Constraints: Grade 2; 55 - 56 Fossgate York 0789
Listed Buildings GMS Constraints: Grade 2; 28 Pavement York YO1 9UP 0788

2.2 Policies:

Development Control Local Plan
GP21 "Advertisements"
HE4 'Listed buildings'
GP1 'Design'
HE2 'Development in historic locations'
HE8 'Advertisements in historic locations'

emerging City of York Local Plan
D2 'Place-making'
D4 'Conservation Areas'
D5 'Listed buildings'
D12 'Advertisements'

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation)

3.1 The Conservation Officer objects to the proposed signage for the following reasons:

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- Impact on the setting of the Conservation Area and listed buildings. The sign impacts on historic views along Fossgate, part of the main Roman road in to the city. The sign 'rebrands' Fossgate with the fish detailing and 'Merchant's Quarter' title only portraying part of the complex history of the site. This is misleading and potentially constructs a false history for the area. There are no special circumstances for siting the sign above Fossgate and which would limit the spread of such signage to other sites within the city. Concern about the impact of the structure on the listed building.
- The general design of the proposal draws the eye and indicates arrival at a destination. Other examples in York at the Coppergate centre and Shambles market are representative of a signage which is outdated and not currently seen as best practice. The only comparable example of signage is at the Olde Starre Inne on Stonegate which appears to have been provided to compensate for the lack of street frontage of the property.
- The NPPF (para. 132) requires great weight to be given to the conservation of heritage assets. Fossgate does not appear to be a failing street, so there is no potential public benefit to be considered to outweigh the harm to a heritage asset which has been identified. Other less harmful options should be considered before such signage is allowed.

Planning and Environmental Management (Landscape Architect)

3.2 The landscape officer has expressed concern about the impact of the proposal on the natural flow of buildings and views along Colliergate, Fossgate and down to Walmgate. The metal banner adds unnecessary clutter and also briefly interrupts the view of the street facade. From the opposite direction, the banner also cuts through views of the Minster. The proposal introduces a contrived structure/gimmick in an otherwise historically evolved street. The proposed signage suggests a gateway or entrance, and a separation between Colliergate/Pavement and Fossgate; this is inappropriate because Fossgate is a street that continues from another in each direction. Fossgate is not a separate entity. The proposal represents an out-moded approach to drawing attention to a shopping area and is a form of development which is more often used when a street is failing to draw attention to it by introduced artifice.

EXTERNAL

Guildhall Planning Panel

3.3 Support the application. No further comments.

Conservation Area Advisory Panel

3.4 The CAAP felt that whilst this should not set a precedent within the city they accepted that Fossgate was a special case and there was a need to draw attention to the street. The Panel was content with the design of the sign. Two members of the

Panel are members of the York Civic Trust Planning Team and they did not express an opinion on this application to avoid any conflict. Five out of seven attendees of the March Panel are members of the York Civic Trust.

Publicity and neighbourhood notification

3.5 Eight letters of support have been received from residents and traders in the locality. These make comments relating to:

- The proposal will replace the existing plastic banner with a more attractive permanent solution.
- It will increase footfall.
- It will have a positive impact on the locality and city as a whole.
- It will help to reinvigorate the area.
- It is an enhancement to the area.
- It highlights the heritage of the area and is appropriate to the architecture.

4.0 APPRAISAL

4.1 Key Issues

In accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007, the only issues that fall to be considered are:

- Visual Amenity
- Public safety

POLICY CONTEXT

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.3 The 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 content of the NPPF. GP21 "Advertisements" states that permission will only be granted if the size, design, materials, colouring of signs, hoardings and large panels and any form of illumination does not detract from the visual amenity of the area in which they are displayed. Additionally any proposal should not have an adverse effect on public

safety. In residential areas and on sites clearly visible from the road the advertisement should be in keeping with the scale of the surrounding buildings and public areas. Policy HE4 'Listed buildings' requires that development within the vicinity of listed buildings has no adverse affect on the character, appearance or setting of a listed building. Policy GP1 'Design' requires that development proposals respect or enhance the local environment and that they retain and enhance public views, skyline and landmarks that make a significant contribution to the character of the area. Finally policy HE2 'Development in historic locations' requires that development in Conservation Areas respects adjacent buildings, landmarks and settings. HE8 states that advertisements in historic locations will be expected to comply with GP21 and be of a design and scale that respects the character and appearance of the area and use good quality materials that are sympathetic to the surface to which they are attached.

4.4 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June. The proposals have now been subject to an eight-week public consultation, the results of which are still awaited. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration. Policies D2 'Place-making', D4 'Conservation Areas', Policy D5 'Listed buildings' and D12 'Advertisements' are all relevant.

VISUAL AMENITY

4.5 The proposal is for a metal banner sign above the entrance to Fossgate. The sign will have black finish with stainless steel detailing. It is attached at one side to a Grade II listed building and on the other to The Terrace pub, a building highlighted as a detractor in the Central Historic Core Conservation Area Appraisal.

4.6 The streetscene along Fossgate is fairly busy with most businesses having a projecting sign at first floor level. The road itself is quite narrow with car parking on one side further from the junction. This all adds to a relatively high level of visual clutter which is emphasized by the enclosed street with narrow pavements and relatively tall buildings adjacent to the site. The proposed banner will add to this street clutter and distracts from views along the road towards Fossgate bridge harming the visual amenity of the conservation area.

4.7 In addition, the Conservation Area Appraisal highlights the importance of Fossgate as a thoroughfare in to the city since Roman times. The proposed signage suggests a gateway or entrance and a separation between Colliergate/ Pavement and Fossgate which is inappropriate as Fossgate is not a separate entity but a part of an historic route in to the city. To suggest such separation distorts the historical context of the area and is visually misleading.

4.8 The Conservation Area Appraisal highlights the importance of views from Fossgate bridge along Fossgate towards the Kings Square. These views should not be taken solely from a fixed point but are an evolving process as one travels along Fossgate. The Minster is visible in the background along most of Fossgate and it is quite clear from the existing unauthorised plastic banner that the proposal will, from certain vantage points, obscure views of the Minster. Para.131 of the NPPF states that Local Planning Authorities should sustain or enhance the significance of heritage assets. The impact on views across the Central Historic Core Conservation Area as a result of the sign fails to preserve the significance of Fossgate as a thoroughfare and as such harms visual amenity.

4.9 The applicant has highlighted other instances (the Coppergate Centre, Shambles Market and Olde Starre Inne) where such devices are used within the city to highlight a destination. Officers disagree that these form any precedent for similar development within the city. Two of the examples are relatively modern and are used to indicate an enclosed destination with little visibility on the highway frontage. The example at the Olde Starre Inne dates back to the 18th Century and appears to have been intended to highlight a business with no street frontage.

4.10 The proposal is considered contrary to Policy GP21 and HE8 of the DCLP and policy D12 of the new draft Local Plan which require advertisements not to cause harm to the visual amenity of an area. The applicant has stated that the intention of the signage is to increase visibility of Fossgate as its location is not always obvious to passers by. However they have not explored other alternatives which would be less harmful to visual amenity. Officers also question whether the sign would achieve this given that its set back from the junction means that it is only visible when at the end of Fossgate/ Colliergate/ Whip-ma-whop-ma-Gate.

PUBLIC SAFETY

4.11 No concerns related to public safety are raised. The sign is sufficiently high above the highway that it does not raise highways concerns. A license would be required to allow the sign to over-sail the highway.

5.0 CONCLUSION

5.1 The application is considered to harm the visual amenity of the Conservation Area and the visual amenity of the setting of listed buildings. In addition, the sign results in visual clutter in a streetscene which is relatively enclosed as a result of the narrowness of the street and already has a number of projecting signs. Finally, the Conservation Area Appraisal highlights the importance of views along Fossgate towards the Minster. These will be impeded by the addition of the permanent sign resulting in further harm to the appearance of the Conservation Area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The Local Planning Authority considers that the proposed sign will have a significantly detrimental impact on visual amenity through its impact on the appearance of the Conservation Area. Fossgate is an historic thoroughfare leading in to the Roman city. The proposed signage visually breaks this thoroughfare as well as impinging on views along Fossgate to the Minster and increasing visual clutter within an already busy streetscene. The proposal is therefore contrary to policies GP21 and HE2 of the DCLP; D4 and D12 of the new Local Plan; and policy contained within the NPPF.

7.0 INFORMATIVES:

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