



Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	23/00215/ADV		
<b>Proposal</b>	Erection of two posters advertising the Towns Fund projects and the Air and Space Institute project		
<b>Location</b>	Castle House Car Park, Great North Road, Newark On Trent		
<b>Applicant</b>	Newark And Sherwood District Council - Miss Frances Davies	<b>Agent</b>	N/A
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/00215/ADV">23/00215/ADV   Erection of two posters advertising the Towns Fund projects and the Air and Space Institute project   Castle House Car Park Great North Road Newark On Trent (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	07.02.2023	<b>Target Date</b>	04.04.2023
<b>Recommendation</b>	That Advertisement Consent is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council is the Applicant.

### 1.0 The Site

The site relates to a c.80m section of existing construction hoarding erected along the north-east side of Great North Road (B6326) around the former Newark Cattle Market site, currently being re-developed for the Air and Space Institute further-educational establishment. The site is located within the Newark Urban Area.

Newark and Sherwood District Council (NSDC) offices and parking areas are located to the south-east and Newark Lorry Park is located to the north. The nearest residential dwellings are located on the other side of Great North Road to the south (Midland Terrace). Directly opposing the site, on

the opposite side of Great North Road, is an allocated employment site (Policy NUA/E/4).

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south-east of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Station Masters House and Railway Station building which are both Grade II Listed to the south-east of the site. The spire of Grade I Listed St Mary Magdalene Church spire and Newark Castle which is also a Scheduled Ancient Monument are also visible in proximity to the site.

The site is located within Flood Zone 2 with a 1 in 100 annual probability of river flooding (medium probability) as identified by the Environment Agency (EA) flood maps. A number of mature trees are located adjacent to Great North Road.

## 2.0 Relevant Planning History

**21/02484/FULM** - Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping – Permitted 16.02.2022

**21/00247/DEM** - Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences – prior approval required and approved 03.06.2021.

**21/00246/DEM** - Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings - prior approval required and approved 03.06.2021.

**01870379** - Construction of livestock market car and lorry parks – permission 28.09.1987

## 3.0 The Proposal

The application seeks permission for the erection of two advertisement posters advertising the Towns Fund projects and the Air and Space Institute (ASI) project on existing construction hoardings adjacent to Great North Road.

Towns Fund Poster: 1.8m high x 15m wide industrial banner-grade PVC banner to be affixed to existing construction hoarding along Great North Road.



ASI Poster: 1.8m high x 15m wide industrial banner-grade PVC banner to be affixed to existing construction hoarding along Great North Road.



Information Assessed in this Appraisal:

- Application Form
- Site Location Plan 03.02.2023
- Existing photo of front elevation 03.02.2023
- Heritage Town Funds Advert Details 03.02.2023
- ASI Advert 03.02.2023
- Heritage Statement 07.02.2023
- Proposed Site Plan 20.02.2023
- Proposed Mock Up Photo 20.02.2023

#### **4.0 Departure/Public Advertisement Procedure**

A site notice has been displayed.

Earliest decision date: 01.03.2023

Site Visit Date: 08.02.2023

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

*Newark and Sherwood Amended Core Strategy (Adopted March 2019)*

Core Policy 9 – Sustainable Design

*Allocations & Development Management DPD*

Policy DM5: Design

Policy DM12: Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework
- Planning Practice Guidance
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Newark and Sherwood Local Development Framework Shopfronts and Advertisement Design Guide SPD

#### **6.0 Consultations**

**Newark Town Council** – No objection.

**Newark Business Club** – Support the application.

**No comments have been received from any interested parties/residents.**

## **7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

### **Principle of Development**

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the NPPF (2021) the main issues in determining this application for advertisement consent are related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management Document.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Class 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 permits the display, for three years only, of poster-boards which are being used to screen building or construction sites while the work is being carried out on site. The benefit of Class 8 is limited to land being developed for commercial, industrial or business use, and is not available for any residential development. Advertisements permitted by Class 8 must not: be displayed more than three months before the date on which the building or construction works actually start; be more than 38 square metres in area; be more than 4.6 metres above ground level; or be displayed for more than three years. In this case, the proposed adverts would exceed 38m<sup>2</sup> and thus the advertisements require express consent.

### **Impact upon Amenity**

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD relate to visual amenity by seeking to ensure the character and appearance of the surrounding area is preserved. The justification text for Policy DM5 states that the impacts of advertisements in terms of visual amenity will be assessed by reference to local distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

The application seeks consent for the installation of 2 no. banners to the existing construction hoarding adjacent to Great North Road. The banners would advertise the Towns Fund Projects including images and text from some of the projects and logos of the organisations involved and the ASI project, advertising the new educational facility including the logos of NSDC and Lincoln College group who are delivering the project. The banners would be large and would be erected across the temporary construction hoarding that has been erected at the back edge of the footway along Great North Road. The hoarding around the site is temporary and the adverts are therefore proposed to be removed once the hoardings are removed in approx. Jan 2024.

The advertisement banners would be appropriately sited and design and would advertise important projects taking place in the town on the main approach into it. The signage would be affixed to the hoardings and would not exceed its proportions, such that it would sit comfortably along the highway and would not result in visual clutter.

Consideration has been given to the potential for any impact on the historic environment, given the proximity of the site to the Conservation Area and nearby Listed Buildings. However, as the proposal relates to modern and temporary construction hoarding and would be well removed from designated heritage assets, it is not considered that the proposal would result in any adverse impact on their setting or significance.

Overall, it is considered that the scale and design of the advertisements proposed would be appropriate for the location. The signage would be visible within the public realm to pedestrians walking and driving in the vicinity, however, the signage would not result in any adverse visual amenity impact which is in accordance with DM5, CP9 and the provisions of the NPPF.

### Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. Owing to the nature of the application it falls to be considered against the Highway Authorities standing advice. It is considered that the proposed advertisements would not result in any unacceptable detriment to highway safety for pedestrians or other highway users given the proposed siting of the posters back from the edge of the footpath on existing hoardings and lack of any illumination. The advertisements are therefore considered acceptable in terms of public safety.

## **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

The proposed advertisement posters are considered appropriate and proportionate to the purpose which they would serve. There are no identified detrimental impacts in relation to public safety or visual amenity – as a result the proposal is therefore compliant with paragraph 136 of the NPPF, Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD. Accordingly, there are therefore no material considerations why advertisement consent should be refused.

## **10.0 Conditions**

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried except in complete accordance with the site location plan and approved proposed plans reference:

- Site Location Plan 03.02.2023
- Proposed Site Plan 20.02.2023
- Heritage Town Funds Advert Details 03.02.2023
- ASI Advert 03.02.2023

Reason: So as to define this consent.

03

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

No advertisement shall be sited or displayed so as to:

- a) endanger persons using the highway.
- b) obscure, or hinder the ready interpretation of, any traffic sign; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007

### Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### BACKGROUND PAPERS

Application case file.



