



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	23/01737/ADV		
Proposal	Advertising Hoardings for 32 Stodman Street		
Location	Former MARKS & SPENCER, 32 Stodman Street, Newark on Trent, NG24 1AW		
Applicant	Newark and Sherwood District Council – Miss Frances Davies	Agent	Mrs Karolina Walton – Studio-G Associates LLP
Web Link	23/01737/ADV Advertising Hoarding for 32 Stodman Street. Former MARKS & SPENCER 32 Stodman Street Newark On Trent NG24 1AW (newark-sherwooddc.gov.uk)		
Registered	09.10.2023	Target Date Extension To	04.12.2023 01.12.2023
Recommendation	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. This application was not presented before the meeting was adjourned on the 9th November 2023.

1.0 The Site

The site is situated in the heart of Newark Town Centre and comprises a two-storey former retail premises most recently occupied by M&S who vacated in April 2019 (since M&S’s departure, the site has remained vacant). The site lies within the historic core of Newark Town Centre, within the designated Conservation Area (CA) and surrounding the site there are a number of listed buildings, notably Maurice Key Furnishings Warehouse (Grade II) located to the SW and properties along Stodman St to the NW and NE. The site has a prominent Art-Deco frontage on to Stodman Street (northern elevation) of approximately 13 metres and extends along St Marks Lanes to the south

where the building is of more modern construction.

St Mark's Place, a modern shopping precinct lies to the east of the site and Lombard St lies to the south. A public right of way spans the length of the eastern elevation of the building and is a key through route from Lombard St through to the Market Place. The site is surrounded by predominately retail uses with a number of national occupiers adjacent. A small section to the rear also adjoins an adjacent multi storey car park. Loading and vehicular access is also provided from a private communal access off Lombard Street to the rear.

The site is located within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy.

The site has the following constraints:

- Conservation Area
- Listed Buildings
- Public Rights of Way

2.0 Relevant Planning History

NB: There is extensive planning history relating to advertisements and alterations to the building as a commercial unit, only the most recent history is included below.

21/00699/FULM - Proposed demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above – Permitted 21.02.2022

22/01618/NMA - Application for non-material amendment to include additional external doors to commercial units, column added to parking layout and basement water tank allowance attached to planning permission 21/00699/FULM – Permitted 22.09.2022

23/01748/DISCON - Request for confirmation of discharge of conditions 3 (S106), Condition 4 (Development Phasing), Condition 9 (Structural specification and methodology), Condition 21 (Archaeology), 23 (Demolition and construction method statement), 27 (Historic building recording), 28 (Traffic Management) attached to planning permission 21/00699/FULM [...] – Pending Consideration.

3.0 The Proposal

The application seeks permission for advertisements on the existing temporary construction hoardings around the former Marks & Spencer's site during the 18-month construction period.

The advertisement banner would span 90m x 2m (produced in 0.5m x 2m panels), finished in clear anti-graffiti and anti-scratch gloss over laminate. The advertisement banners would have white text over a purple background including images of the proposed development as per the CGI image below:



Documents assessed in this appraisal:

- Application Form
- Details of St Marks Lane Hoarding
- Proposed Signage
- Site Location Plan – Ref. 101-137/P 020 A
- Hoarding Location Plan
- Photo of Site

4.0 Departure/Public Advertisement Procedure

Occupiers of 44 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Site visit undertaken on: 19.10.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Core Policy 9 – Sustainable Design

Core Policy 14 - Historic Environment

Allocations & Development Management DPD (2013)

Policy DM5 - Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

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

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

None.

(b) Town/Parish Council

Newark Town Council – No objection.

(c) Representations/Non-Statutory Consultation

NSDC Conservation Officer – No objection.

NCC Highways – Standing advice applies.

NCC Rights of Way – No comments received.

Newark Business Club – Support the proposal.

No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of development
2. Impact on Amenity
3. Impact upon Public Safety

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-hoardings 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 or sites within the Conservation Area. 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 be on land within a designated Conservation Area and thus requires express advertisement 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.

Given that the site lies within the Conservation Area and in the setting of listed buildings, policies CP14 and DM9 of the Council's LDF DPDs are relevant, which amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 also states, in relation to the general duty as respects conservation areas in exercise of planning functions that, *'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'*. In this context, the objective of preservation is to cause no harm. The courts have in more recent years clarified that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Paragraph 189 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within

their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application seeks consent for the installation of banner adverts on the construction hoardings that surround the site on Stodman Street and along St Marks Lane (i.e., the northern and eastern sides of the building). The banners would advertise the redevelopment of the site including images of the development approved under 21/00699/FULM and text to explain the project and its contribution to the levelling up plans for Newark Town Centre. The banners would be large and would be erected across the temporary construction hoarding that surround the building for the construction period which is expected to be 18-months. The hoarding around the site would therefore be temporary and the adverts are proposed to be removed once the hoardings are removed.

The advertisement banners are of a professional design, with a muted colour scheme and the finish has been designed to ensure that the hoardings don't deteriorate through weathering etc. The advertisement banners would be appropriately sited and would advertise this important project for the town centre around the development site. The signage would be affixed to the hoardings and would not exceed its proportions, such that it would sit comfortably along Stodman Street and St Marks Lane and would not result in visual clutter.

Consideration has been given to the potential for any impact on the historic environment, given the site lies within the Conservation Area and close to a number of Listed Buildings. However, as the proposal relates to modern and temporary construction hoarding and is of an appropriate scale and design, it is not considered that the proposal would result in any adverse impact on the character or appearance of the Conservation Area or the setting or significance of any surrounding Listed Building, as confirmed by the Conservation Officer.

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 in the vicinity, however, the signage would not result in any adverse visual amenity impact which is in accordance with policies CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document 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 on the temporary construction hoarding which is erected to protect pedestrians during the construction phase of the development and the 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 banners 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, CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document and the provisions of the NPPF. Accordingly, it is recommended that advertisement consent is approved subject to the closure of the consultation period and there being no additional material considerations raised that are not considered within the report.

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 – Ref. 101-137/P 020 A
- Proposed Signage
- Hoarding Location Plan

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.

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

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01737/ADV



