

Development Control Committee 28 April 2021

Planning Application DC/20/2047/ADV – Advertising Board, 98 High Street, Newmarket

Date registered:	23 November 2020	Expiry date:	18 January 2021 (EOT 11 May 2021)
Case officer:	Savannah Cobbold	Recommendation:	Refuse application
Parish:	Newmarket Town Council	Ward:	Newmarket East
Proposal:	Application for advertisement consent - two internally illuminated digital totem signs with static BID map to replace existing signage		
Site:	Advertising Board, 98 High Street, Newmarket		
Applicant:	Paul Brown		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

1. The application was presented to the Delegation Panel on 23 March 2021 following support from the Town Council, conflicting with the Officer recommendation of 'minded to refuse'. It was concluded by the Panel that the application should be taken before the Development Control Committee, given the support from Ward Members and neighbouring premises.

Proposal:

2. The application seeks advertisement consent for two internally illuminated digital totem signs, with a static 'BID' (Business Improvement District) map in order to replace the existing static and non illuminated signage boards.
3. The proposed signage will incorporate digital totem signs which will display changing visuals. These would come from businesses, for example an event at the museum, sale at a specific shop and also the 'Love Newmarket' loyalty app.
4. The proposed signage will sit in the same location as the existing signage, albeit slightly taller.

Application supporting material:

- Application form
- Photographs
- Location plan
- Existing and proposed signage elevations
- Advertisement statement
- Manufacturer's specifications
- Additional highway information

Site details:

5. The site consists of two locations along High Street in Newmarket. The first sign, labelled sign A on the location plan sits at the entrance of Wellington Street, opposite the pelican crossing. The second sign, sign B on the location plan, is located at the upper end of High Street, near the clocktower roundabout and towards the entrance of Rous Road.
6. The entirety of High Street is located within the wider Newmarket conservation area

Planning history:

7. F/2010/0450/ADN - Display of 1 non-illuminated advertisement sign (to advertise shops on Rous Road) - Granted 2 August 2010.
8. F/2010/0451/AND - Display of 1 non-illuminated advertisement sign (to advertise shops in Wellington Street) - Granted 2 August 2010.

Consultations:

Suffolk County Council Highways Authority

9. 23 December 2020 – holding objection; required clarification regarding highway safety in terms of the brightness of the signs and the location close to the crossing. Further information was submitted on 18 January 2021.

10.27 January 2021 – satisfied that highway concerns have been addressed.

Conservation Officer

11. Objects to the scheme for the following summarised reason

The proposed development to include illuminated digital totems will fail to accord with policies DM17, failing to either preserve or enhance the character or appearance of the conservation area, and DM38 and the shopfront and advertisement design guide where proposals should accord with policy DM17. Consequently the proposed development will cause harm to the significance of a designated heritage asset.

Representations:

Newmarket Town Council

12. Support the application - Noting that the application is in line with Newmarket Neighbourhood Plan objective F – to create a vibrant and attractive town centre. It was agreed that the new signage would enhance information available to visitors to the town and agreed to fully support the proposals.

Ward Members

Councillors Rachel Hood and Robert Nobbs fully support this application stating that along with almost every High Street throughout the country, it is a very difficult time. The existing signage has been in place for a number of years and is often out of date, the proposed seems an ideal replacement.

Neighbours

13. Nine letters of support have been received, offering general support for the proposal.

Policy:

14. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this

application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

15. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

16. Policy DM1 Presumption in Favour of Sustainable Development
Policy DM2 Creating Places – Development Principles and Local Distinctiveness
Policy DM17 Conservation Areas
Policy DM38 Shop Fronts and Advertisements
FCS5 Design Quality

West Suffolk Shopfront and Advertisement Design Guide – February 2015

Other planning policy:

17. National Planning Policy Framework (NPPF)

18. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

19. The issues to be considered in the determination of the application are:

- Principle of Development
- Public safety/amenity
- Other matters

Principle of Development

20. The proposed advertisements have been assessed in line with the National Planning Policy Framework (2019) paragraph 132 which states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process (known as the Advertisement Regulations) within the planning system controls the display of advertisements which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

21. The application seeks advertisement consent for two internally illuminated digital totem signs, including a static BID map to replace existing signage.

22. The application site itself proposes two locations – one sign near Wellington Street and the other near the entrance of Rous Road along High Street. The entirety of High Street is located within the conservation area for Newmarket.
23. The advertisement regulations set out factors relevant to amenity as including the general characteristics of the locality including the presence of any features of historical, architectural, cultural or similar interest.
24. The advertisements proposed are providing information to the public but Officers are not satisfied that any benefits to the locality of providing these advertisements could be categorised as an amenity benefit, insofar as the advertisement regulations is concerned. Any benefit arising from the provision of these advertisements being displayed in this manner is not therefore a factor which should be considered as weighing in favour of the proposal.
25. There is also the potential for some economic benefit to arise from the display of these advertisements, noting their function and their interactive nature. However, such an economic benefit is considered by officers to be coincidental and is not considered determinative in the assessment that is required to be made.
26. However, under Regulation 3(1) the authority, in exercising its powers, is required to take into account:
 - a) the provisions of the development plan (but only so far as they are material (but noting that the S38(6) duty to consider proposals in accordance with the development plan does not apply)
 - b) any other relevant factors.
27. Having carefully assessed this matter, and the relevance of these provisions, officers are of the view that to consider wider matters than the effects on amenity and public safety would not be appropriate, as directed by the Advertisement Regulations.
28. The proposed signs are prominently located in the heart of Newmarket's conservation area and as a result regard to policies DM17 and DM38, as well as to the West Suffolk Shopfront and Advertisement Design Guide (February 2015), is required together with relevant paragraphs of the NPPF.
29. The proposed development is for the replacement of two totem signs with two digital totem signs with static 'BID' map on rear. Both signs are to be internally illuminated, intermittently.
30. Policy DM17 advises that internally illuminated signs and externally lit signs will not normally be granted consent within a conservation area. New advertisements must also be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

31. Given the existing streetlights and access to mobile phones there would appear to be little justification for an illuminated advertisement board in such a sensitive location, proving contrary to Policy DM17
32. The preamble to Policy DM38 advises particular care will be necessary in the main shopping areas which contain listed buildings and are located either partly or wholly within conservation areas. Where the advertisement falls in a conservation area it will need to have regard to policy DM17. It goes on to advise that applicants will be expected to have close regard to advice and guidance available the most relevant in this instance being the shopfront and advertisement design guide, where proposals for illumination should comply with other relevant policies, DM17 and DM38.
33. The Shopfront and Advertisement Design Guide further explains the limited occasions when illumination will be permitted, and in what format. The proposed intermitted digital display does not meet any of the provisions otherwise supported by the Design Guide.
34. Located within the conservation area which benefits from a further number of both designated and non-designated heritage assets the proposed development has the potential to affect the significance of a number of these.
35. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
36. The Planning (Listed Buildings and Conservation Areas) Act 1990 under section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
37. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design.
38. Paragraph 189 of the NPPF requires the applicant to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. No such assessment has been undertaken by the applicant other than that we are advised that the surrounding area is characterised by a variety of commercial and retail premises located at ground floor level as would be expected within most high streets serving a town centre irrespective of whether or not located within a conservation area. Irrespective of the absence of such an assessment, the advertisement statement provided by the applicant concludes that the proposed development will '...not detract from the appearance of the surrounding area of the town centre or conservation area'.

39. The applicant was advised that potentially more suitable locations for this type of signage would be within a car park, or otherwise a less sensitive location outside of the conservation area. Further to this, no further justification has been given by the applicant.
40. The proposal to include internally illuminated intermittently displaying digital totem signage will fail to accord with policy DM17, failing to either preserve or enhance the character or appearance of the conservation area, and also with policy DM38 and the shopfront and advertisement design guide where proposals should accord with policy DM17. The provision in particular of an illuminated digital display will prove intrusive and jarring in this context, proving contrary to the provisions of DM17 and DM38. Consequently the proposed development will cause harm to the significance of a designated heritage asset.
41. Given an objection from the conservation officer in regard to the impact upon the conservation area and heritage assets, the scheme is not considered acceptable in principle.

Public safety/amenity

42. Policy DM38 seeks to ensure that new advertisement proposals do not adversely affect the amenity and public safety.
43. In this case, the highways authority raised concern regarding the proposed signage, particularly the replacement sign A, Wellington Street. This sign is located in close proximity to a traffic light operated pedestrian crossing with zig-zag carriageway markings. The height of the signs above the footway will be in line with a driver's eye height. Concern was raised that this sign could distract drivers at this potentially high-risk spot, even more so at night time. Concern was also raised regarding the brightness of the sign at 2500 candela per square metre.
44. Further information was submitted by the applicant on 18 January 2021 addressing these comments.
45. The screen brightness will vary with varying levels of ambient lighting. The screens are at their brightest when ambient lighting is very bright to enable to the user to see the screen. The brightness of the screen will drop to 450-600CDM during darker hours. It is proposed that static unlit map will face oncoming traffic to minimise distraction to drivers and the signs will operate between 9am and 4pm ensuring that the signs will not be on during darker hours to ensure the safety of drivers. Such could be conditioned if the recommendation were otherwise for approval.
46. The highway authority notes the variability of the screen brightness as well as the positioning of the sign, with the unlit aspect facing oncoming traffic. In a response dated 27 January, it was confirmed that highway safety concerns have been addressed.
47. The proposed signage is considered acceptable in terms of residential amenity impacts given the location of the proposed signs. These are to be located on High Street where the area is characterised by various retail premises; the signage is considered not to affect the amenity of residents or the area.

48. In conclusion, the public safety/amenity impacts are considered satisfactory.

Conclusion:

49. Paragraph 193 of the NPPF requires great weight to be given to the designated heritage asset's conservation and any harm to significance of a designated heritage asset should require clear and convincing justification. Where the 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 of the proposal including, where appropriate, securing its optimum viable use.

50. The public benefits of the proposed signage are acknowledged, not least in informing and advising visitors to Newmarket, with associated economic benefits as a consequence. However, this is an application for advertisement consent and, as discussed above, the regulations require assessment only in relation to amenity and public safety.

51. Regardless, any public benefits could in any event also be achieved from more traditional signs, or by siting them in less sensitive locations, such as within a public car park or outside public transport stations, which seem more logical in any event noting they are intended to advise visitors when arriving to the town for the first time.

52. Overall therefore, the heritage harm to the conservation area and designated and non-designated heritage assets is considered to be significant.

Recommendation:

53. It is recommended that Advertisement Consent be **REFUSED** for the following reason:

1. The application seeks advertisement consent for two internally illuminated digital totem signs, including a static Business Improvement District map to replace existing signage.

Both signs are located within the conservation area for Newmarket, which benefits from a further number of designated and non-designated heritage assets the proposed development has the potential to affect the significance of a number of these.

Paragraph 189 of the NPPF requires the applicant to describe the significance of any heritage assets affected including any contribution made by their setting. No such assessment has been undertaken other than that we are advised that the surrounding area is characterised by a variety of commercial and retail premises located at ground floor level as would be expected within most high streets serving a town centre irrespective of whether or not located within a conservation area.

Policy DM17 advises internally illuminated signs and externally lit signs will not normally be granted consent within a conservation area.

The preamble to Policy DM38 advises particular care will be necessary in the main shopping areas which contain listed buildings and are located either partly or wholly within conservation areas. DM38 goes on to advise that applicants will be expected to have close regard to advice and guidance available the most relevant in this instance being the shopfront and advertisement design guide, where proposals for illumination should comply with other relevant policies, DM17 and DM38.

The proposed development to include internally illuminated intermittent digital totems will fail to accord with polices DM17, failing to either preserve or enhance the character or appearance of the conservation area, and DM38 and the shopfront and advertisement design guide where proposals should accord with policy DM17. Given the existing streetlights and access to mobile phones there would appear to be little justification for an illuminated advertisement board in such a sensitive location. The provision in particular of an illuminated digital display will prove intrusive and jarring in this context, proving contrary to the provisions of DM17 and DM38. Consequently the proposed development will cause harm to the significance of a designated heritage asset.

Documents:

54. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/2047/ADV](#)