

OPEN MARKET, HIGH STREET, NEWCASTLE-UNDER-LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

24/00336/DEEM3

The application seeks full planning permission for a new digital sign/screen for display of advertisements and screening of live broadcasting events.

The application site lies on High Street within the town centre of Newcastle and within the Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expired on 30th July but an extension of time has been agreed to the 8 November 2024.

RECOMMENDATION

Permit, subject to conditions relating to: -

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**
- iv. Level of illumination**

Reason for Recommendation

The public benefits of the scheme comprise public safety and information benefits, raising awareness and encouraging positive behaviour, and an economic benefit to the town centre by increasing footfall. It is considered that such benefits would outweigh the limited harm to the character and appearance of the Conservation Area.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Additional information has been sought and provided and the proposed development is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for a new digital sign/screen for display of advertisements and screening of live broadcasting events.

The application site lies on High Street within the town centre of Newcastle and within the Conservation Area as defined on the Local Development Framework Proposals Map.

Subject to conditions, the Highway Authority raise no objections to the proposal on highway safety grounds. The sole issue in the determination of the application is therefore considered to be the impact of the development on the character and appearance of the Conservation Area.

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions. The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

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- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states that where a development 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.

Saved policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

The proposal is for the construction of a new digital sign on High Street. The sign itself would measure 5.1m x 2.9m. It would be able to be rotated from portrait to landscape and would be mounted on a post that would be 4.3m in height when set in landscape position and 3.1m when set in portrait position. The maximum height of the sign from ground level would therefore be 8.8m. It is proposed that the supporting column and the screen back and edges and front screen edges would be black in colour to ensure that the unit is as recessive as possible in its setting. It is proposed that the screen will be turned off between the hours of 22.00 and 08:00.

Planning permission was granted earlier this year for the creation of public realm in this part of High Street and the sign is to be sited to the south-east of those works.

In response to the request from the Conservation Advisory Working Party for additional information on what alternative locations have been considered and in particular whether a screen could be placed on a building rather than being free-standing, further supporting information has been received from the applicant.

In close proximity to the main market area, there are only two buildings which are in the control of the applicant, both of which are Grade II Listed. Other locations considered close to the High Street are the buildings on Hassell Street which can be viewed in part from the High Street, but these buildings are not in the control of the applicant. There are a number of issues associated with utilising buildings that are not in the control of the applicant, including the need for extensive checks to ensure that the building is structurally sound and remains fit for purpose, the need for additional infrastructure and the fact that an easement would be required to confirm all legal responsibilities which would require an annual payment to the building owner, further increasing the running costs of the proposal.

The applicant sets out that while there are other options for the location of a free-standing screen in the High Street area, consideration has had to be given to traffic movements both through Hassell Street and around the market areas. Other than the site now proposed, a site adjacent to the Douglas Macmillan Charity Shop was considered but it would not have a clear area for people to sit easily to view the screen without undertaking regular road closures on Hassell Street and it is also closer to key listed buildings such as the Guildhall.

The applicant states that the proposed site was selected due to the large viewing area around it enabling the holding of more town centre events. It is also further away from the listed buildings and the only issue with utilities is a combined sewer which runs down the length of High Street.

Due to the scale of the proposal, it would undoubtedly be prominent in the street scene but given the presence of the existing street furniture and clutter in this area, it is considered that the impact on the character and appearance of the Conservation Area would not be significant. Given that the proposal would lead to less than substantial harm to the significance of the designated heritage asset, in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal.

It is proposed that the screen would be used for a range of activities including community benefit elements, screening of large events including sporting events, and events of national importance as

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well as films and other public interest items. There would also be an opportunity to use the screen for community messaging, for example Council/BID/Community and other partner events/promotions/campaigns. Screenings of films, sports and other public interest events would also be proposed. There would be an element of advertising to enable the screen to generate an income to support the running of the screen for the wider benefit, but it is envisaged that the wider benefit and public screenings would be at least 60% of the screen operation time.

In addition to the public safety benefits of providing information on a range of local and national community safety and crime prevention messages aimed at raising awareness and encouraging positive behaviour, the screening of films, sports and other public interest events would provide an economic benefit to the town centre by increasing footfall.

To conclude, it is considered that these benefits would outweigh the limited harm to the character and appearance of the Conservation Area and therefore, the proposal would accord with the policies of the development plan and the aims and objectives of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision: -

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (PPG) (as updated)

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

13/00185/DEEM3	New market stalls	Approved
23/00983/DEEM3	Relocation of up to 5 number market stalls and the creation of public realm	Approved

Views of Consultees

The **Council's Conservation Officer** states that the development will add to the street clutter and modern interventions with the town centre and remains to be convinced on how it will relate to the recently approved public realm works in the area. The development will result in less than substantial harm and so it will be down to the consideration of the public benefits of the scheme.

The **Conservation Advisory Working Party** supported the principle of a screen in the Town Centre but some of the Group felt that the proposed location is inappropriate due to the impact on the Conservation Area and in particular, views of the Guildhall. Additional information was requested on what alternative locations have been considered and in particular whether a screen could be placed on a building rather than being free-standing.

The **Environmental Health Division** states that while it is not likely to have a significant impact, the applicant should confirm the maximum lux levels and hours of use.

The **Highway Authority** raises no objections subject to conditions regarding full detailed design information of the sign structure and limiting the intensity of the illumination.

The **Police Designing Out Crime Officer** states that information could be displayed on a range of local or national community safety, crime prevention and general security messages aimed at raising awareness, encouraging positive behaviour, requesting public assistance/information etc for the benefit of all. The bottom of the signage should be high enough from the ground to prevent any attempts at direct interference with it and the width of the supporting column suggests that it shouldn't be easy to climb up. How resistant the digital screen would be to items being thrown at it would be worth the Council understanding, if not already known. The pole-mounted CCTV camera close by could potentially provide some (perceived) guardianship over the digital screen, but it is anticipated that for much of the time, that camera will be viewing in other directions. As far as can be determined, the position and size of the screen should not unduly impact upon the coverage offered by the pole-mounted municipal monitored CCTV cameras located within High Street.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/24/00336/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

24 October 2024