

PLANNING COMMITTEE – 21 SEPTEMBER 2016

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| Title of paper: | Draft City Centre Digital Media Interim Planning Statement | |
| Director(s)/ Corporate Director(s): | Paul Seddon – Chief Planner | Wards affected: Arboretum, Bridge, Dales, Radford and Park, St Anns |
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| Other colleagues who have provided input: | Judith Irwin, Senior Solicitor 0115 8764419 judith.irwin@nottinghamcity.gov.uk | |
| Date of consultation with Portfolio Holder(s) (if relevant) | 07 September 2016 | |
| Relevant Council Plan Key Theme: | | |
| Strategic Regeneration and Development | | <input checked="" type="checkbox"/> |
| Schools | | <input type="checkbox"/> |
| Planning and Housing | | <input type="checkbox"/> |
| Community Services | | <input type="checkbox"/> |
| Energy, Sustainability and Customer | | <input type="checkbox"/> |
| Jobs, Growth and Transport | | <input type="checkbox"/> |
| Adults, Health and Community Sector | | <input type="checkbox"/> |
| Children, Early Intervention and Early Years | | <input type="checkbox"/> |
| Leisure and Culture | | <input type="checkbox"/> |
| Resources and Neighbourhood Regeneration | | <input type="checkbox"/> |
| Summary of issues (including benefits to citizens/service users): | | |
| <p>The draft City Centre Digital Media Interim Planning Statement (“the Planning Statement”) sets out the matters to be considered when siting large digital screens within the City Centre (the area of which is as defined in the Land and Planning Policies Document (Local Plan Part 2), Publication Version, January 2016). The matters to be considered vary for screens aimed at advertising to passers-by, and those aimed at also showing content to congregations of people, where additional matters will be relevant.</p> <p>The Planning Statement also sets out possible locations for digital screens within the City Centre.</p> <p>The Portfolio Holder for Planning has authorised the publication of the Planning Statement for a six week period of consultation, and a final version of the Planning Statement which has regard to consultation responses will be considered by Executive Board for adoption in due course.</p> | | |
| Recommendation(s): | | |
| 1 | That Planning Committee note the proposed publication of the City Centre Digital Media Interim Planning Statement in the form of the draft attached for public consultation. | |
| 2 | That Planning Committee provide any specific comments on the draft Planning Statement. | |

1 REASONS FOR RECOMMENDATIONS

- 1.1 Planning Committee's comments on the draft Planning Statement are sought to enable the progress towards its adoption by Executive Board; once adopted, the Planning Statement will provide further guidance to ensure that planning decisions on large digital screens can be made in a consistent and informed manner.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The Planning Statement will be used to provide further guidance (in addition to the saved Local Plan policies, policies in the adopted Local Plan Part 1 (Core Strategy), and policies in the emerging Local Plan Part 2 (Land and Planning Policies), for development of large digital screens in the City Centre.
- 2.2 Such documents can be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. Where they are subject to a six week consultation period, and are formally adopted, they are capable of being a material consideration in planning decisions.

Purpose and Content

- 2.3 The Planning Statement sets out the matters to be considered when siting large digital screens aimed at providing advertising, publicising events, providing public information or showing commercial television coverage within the City Centre. A two-stage approach to digital media is proposed, with this statement covering the City Centre, and a further policy or statement to cover the whole of the City to be prepared in due course. In the meantime, proposals for digital media outside of the City Centre will be determined in the light of existing policies.
- 2.4 The matters to be considered vary for screens aimed at advertising to passers-by, and those aimed at also showing content to congregations of people, where additional matters will be relevant.
- 2.5 In summary, digital screens should:
- Be visible to the target audience
 - Contribute to positive place-making
 - Be well designed in their own right
 - Have an acceptable impact on public amenity, including in visual terms and also in terms of any sound
 - Not impact on public safety (including highway safety)
 - For digital screens aimed at showing public events, allow for safe congregation of people.
- 2.6 The Planning Statement seeks a comprehensive assessment of these matters to inform the decision making process.
- 2.7 The Planning Statement also sets out possible locations for digital screens within the City Centre:-

- **Victoria Centre** – Mounted on the new facade of the intu Victoria Centre, promoted by intu and scheduled to be considered by Planning Committee in September.
- **Broadmarsh / Collin Street area** – the proposed pedestrian environment and public realm and redevelopment of Broadmarsh Multi-storey car park offer opportunities for a screen to be well integrated in this area, capitalising on this main pedestrian route into the City Centre from the south.
- **Maid Marian Way Roundabout** – provides an opportunity to install a screen well related to major highway routes.
- In addition, there is an opportunity to replace and digitise the City Centre Wayfinder signs.

Next Steps

- 2.8 In order to be considered material considerations in planning decisions, planning statements must be subject to consultation. The Portfolio Holder for Housing and Planning has authorised that a six week period of consultation with interested parties commences as soon as practicable, and the comments of Planning Committee will be treated as part of this consultation. The results of that consultation will be considered and the draft Planning Statement will be amended if appropriate. The consultation responses and the final Planning Statement will be reported to Executive Board, and if approved it will be adopted.
- 2.9 A further statement or policy to cover the whole of the City is to be prepared in due course.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not preparing a draft planning statement to address the siting of digital screens was rejected as it would not advance the intention to guide consistent and informed decision making on applications.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The preparation and consultation of the Planning Statement is a planning function. The costs of this activity will be met from existing resources earmarked for this purpose.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 LEGAL COMMENTS

- 5.2 The siting of digital screens is governed by the advertisement consent process, which is a separate control regime within the planning system. Applications are made and determined under the Town and Country Planning (Control of Advertisements) England Regulations 2007, which provides less scope for control than for planning applications.
- 5.3 The display of advertisements can be controlled only in the interests of amenity and public safety (Regulation 3(1)). Although neither term is exhaustively defined in the legislation, amenity includes aural and visual amenity, 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)). Factors relevant to public safety include the safety of persons using any highway, railway or waterway, whether the display of the advertisement is likely to obscure or hinder the ready interpretation of any traffic sign or railway signal, and whether the display of the advertisement is likely to hinder the operation of any device used for security or surveillance or for measuring the speed of any vehicle (Regulation 3(2)).
- 5.4 The legislation also prohibits an express consent for the display of advertisements containing any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it is required in the interests of amenity or public safety (Regulation 3(4)).
- 5.5 The Council in its capacity as local planning authority may not, therefore, seek to control what is to be displayed. Compliance with the Council's advertising policy may be secured by contractual commitment on the part of the Council acting in another capacity, such as landowner. The wording of the Council's advertising policy reflects the fact that the policy applies only where the Council is the owner of the advertising platform, or where it is the Council which seeks to place an advertisement.
- 5.6 Similarly, the applicant's agreement to the Council having a share in advertising space for its use may be secured only where there is a contract between the operator and the Council (acting in a capacity other than as planning authority). In the absence of such a contractual relationship between the applicant and the Council, delivery of such elements will be a voluntary arrangement.
- 5.7 Planning statements are informal documents, not being part of the statutory process of local policy adoption under the Planning and Compulsory Purchase Act 2004. Planning statements do not form part of the Policy Framework requiring approval by Full Council. Adoption of the Planning Statement (with such amendments as are appropriate following the consultation) will be a matter for Executive Board under the Council's Constitution, being a decision which is not delegated to a specific committee or individual within the Scheme of Delegation.

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 N/A

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

The equalities implications of new advertisements has been undertaken as part of the overall EIA of the Publication Version of the Local Plan Part 2. The EIA is available at <http://documents.nottinghamcity.gov.uk/download/435>, and due regard will be given to any implications identified in it..

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 None.