

# Planning Statement

Prepared on behalf of

**MediaCo**

For

Temporary Advertising Banner on Scaffolding at 62-63 East Street, Brighton, BN1 1HQ

**October 2023**

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## 1 Introduction and Site Background

- 1.1 This Planning Statement has been prepared to accompany the advertisement consent application for the erection of a temporary advertising banner that has been prepared on behalf of the Applicant, MediaCo, on the scaffolding to 62-63 East Street, Brighton BN1 1HQ (the Site). This statement has been prepared to aid the understanding of the application as submitted, as required in accordance with the Council's Advertisements Supplementary Planning Document (2007).
- 1.2 The Site, currently occupied by AllSaints, will be undergoing a number of external alterations and refurbishments as approved by a separate Planning Application (reference BH2023/01782), including repairs to the Stucco façade and refurbishment of the existing windows. These works require covered/meshed scaffolding to be erected along the façade facing East Street for the duration of the construction programme.
- 1.3 This application seeks to utilise the area that would otherwise wrap the scaffolding to prevent debris from falling to the pedestrian and highway below to erect temporary advertising commencing in January 2024 for a period of 12 months, to improve the aesthetic of the scaffolding and provide a space for advertising during the building works, along with a reproduction of the building façade including the business shopfront signage on the remaining hoarding area to the front of the building, with a further return on the side elevation.
- 1.4 The area is predominantly retail within the city centre and is close to the Brighton seafront, which lies to the south of the Site. The area is made up of a range of city centre uses including retail, restaurants and cafés, leisure and tourism, civic buildings and commercial uses and is situated on the corner of East Street and Avenue, and south of the pedestrianised section of East Street.

## 2 Site Location and Description

- 2.1 For the purposes of this application, the Site comprises the temporary scaffolding to be erected around the building at 62-63 East Street for the duration of the improvement works, as approved under a separate planning consent.
- 2.2 The Site is located on the west side of East Street and to the south of Avenue, and is located towards the eastern edge of the Old Town Conservation Area which has formed the economic, social and civic core of Brighton throughout its transition from fishing settlement to the city it is today. The site is therefore located within the existing commercial area which is typified by a range of commercial activities buildings within the historic core of the city.
- 2.3 The host building is not Listed, and it extends through to Old Steine and incorporates what would have been Number 52 Old Steine, a once separate building facing onto. It occupies a corner plot at the junction of East Street and Avenue, a narrow pedestrianised street that connects East Street to Old Steine. The building has double frontage onto East Street in what was a pair of properties that have since been joined, and has a long elevation facing north on 'Avenue', and the rear elevation facing towards Old Steine.
- 2.4 The buildings facing East Street are mid-to-late 19th century, likely subject to remodelling during the late 18th Century or early 19th Century. The buildings are considered to contribute positively to the Old Town Conservation Area, and the recently approved works seek to undertake a variety of repairs and alterations, but none that materially affect the aesthetic of the building.
- 2.5 The character and context of the area is therefore determined by a number of factors that include the nature and scale of historic built form that contribute to the unique character of the Old Town area. The application site sits within a historic city-centre environment within close proximity to the Brighton Beach front, adjacent to a busy road and pedestrianised area. The surrounding buildings are predominantly large historical commercial buildings in nature, with tall buildings close to the road frontage in terraces making use of most available space.

- 2.6 This is therefore the area's predominant character, and the surrounding buildings and associated city-centre location play an important part in determining the character of the area and the suitability of the site for the proposed temporary advertising display.

### 3 Planning History

- 3.1 BH2023/01782 External alterations including refurbishment of existing windows, replacement of existing single glazing with double glazing to second and third floors, replacement of railing to second floor terrace east elevation, replacement of external door to north elevation, installation of extraction grilles to the roof, refurbishment and repainting of existing Stucco facades and installation of new soil stack. Approved 25.08.2023
- 3.2 BH2022/03686 Prior approval for change of use of second and third floors from commercial/business/service Class E to residential Class C3 to form 7no flats. Approved 30.01.2023
- 3.3 BH2022/02993 Installation of rooflights into pitched roofs and flat roofed areas including installation of hatches and automatic opening smoke vents. Approved 16.11.2022
- 3.4 BH2022/02745 Reinstatement of 5no window openings and enlargement of 2no existing windows openings to side elevation including installation of new sash windows and associated works. Approved 26.10.2022
- 3.5 BH2022/00940 Display of internally lit letters on fascia sign. Approved 06.06.2022

## 4 Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *'If regard is to be made to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.
- 4.2 For the purpose of this application the Development Plan comprises the Brighton and Hove City Plan Part One (2016), the Brighton and Hove City Plan Part Two (2022), and the Advertisements Supplementary Planning Document SPD07.
- 4.3 The National Planning Policy Framework (NPPF) was originally published on the 27th March 2012, with the latest update taking place in July 2021. The NPPF sets out the Government's requirements for the planning system with a key aim of protecting the environment and promoting sustainable growth. The NPPF, together with the accompanying Planning Practice Guidance (PPG) -National Design Guide (2021) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, are material planning considerations.

### *National Planning Policy*

- 4.4 According to the NPPF, there is a clear presumption in favour of sustainable development and policies in Local Plans should follow this presumption so that it is clear that sustainable development can be approved without delay. All Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies guiding how the presumption should be applied locally. Plan-making should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.
- 4.5 The three key dimensions to sustainable development listed in the NPPF clearly relate to the social, economic and environmental roles played in planning.
- 4.6 The economic role is seen as contributing towards building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure.

- 4.7 The social role should act to support strong, vibrant and healthy communities by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- 4.8 The environmental role contributes to protecting and enhancing our natural, built and historic environment and as part of this, helps to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 4.9 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and that for decision-taking, this means that developments that accord with an up-to-date plan should be approved without delay, and that, where there are no relevant development plan policies, permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.10 According to Paragraph 38 of the Framework, local planning authorities 'should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.
- 4.11 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make the development acceptable to communities (Paragraph 126). Plans should set out a clear design vision and expectations, which should reflect local aspirations whilst being grounded in an understanding and evaluation of each area's defining characteristics.
- 4.12 Paragraph 130 advises that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*



- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.'*

### *The 2007 Regulations*

- 4.13 The Regulations provide a code for advertising developments set apart from mainstream Planning controls. Proposals are therefore to be determined and considered in light of the Regulations, which identifies two areas of interest that are material factors in each case.
- 4.14 Regulation 3 states that; *'1. A local planning authority shall exercise its powers under these Regulations in the interest of amenity and public safety, taking into account –The provisions of the development plan, so far as they are material; and any other relevant factors;*
- 2. without prejudice to the generality of paragraph (1) (b)-*
- a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;*
  - b) Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air'*
- 4.15 Scaffold Shroud Advertisements however do not benefit from any deemed consent and therefore Advertisement Consent is required in all cases.

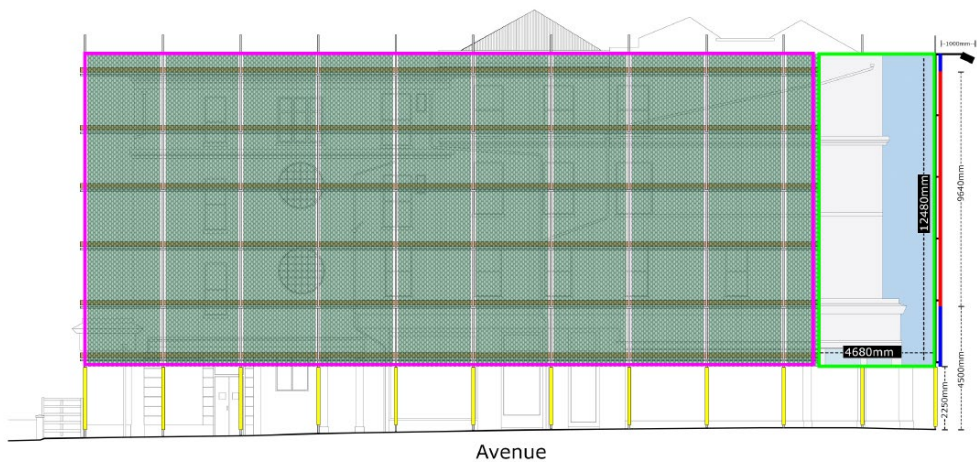
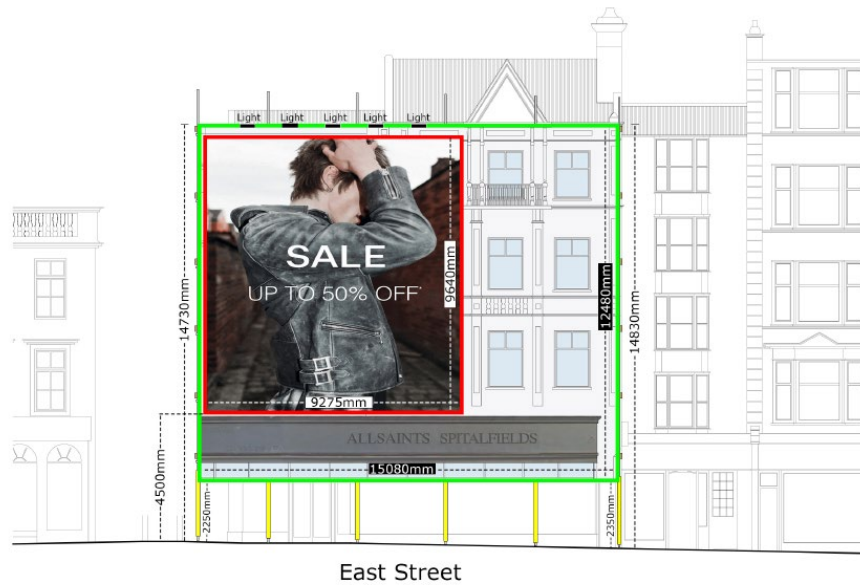
- 4.16 National Guidance on the control of advertisements is also provided within The National Planning Policy Framework (NPPF) and associated guidance on advertising within the Planning Practice Guidance (“PPG”). Section 8 of the PPG goes on to set out the criteria for considering amenity issues in advertising proposals.
- 4.17 This proposal has been assessed in light of the above criteria within the NPPF, the 2007 Regulations and the applicable local policy and Advertisements SPD.

### *Local Planning Policy*

- 4.18 The Council’s Policy on Scaffolding Shrouds is covered in Section 7, Part B of the Advertisements SPD, which deals with temporary advertisements displayed on sheet or mesh material covering scaffolding on a building.
- 4.19 The Council recognise that shroud advertising is designed to have a short-term dramatic impact in a locality during the course of other building works, typically those that require scaffolding to be erected for the duration of the works.
- 4.20 The SPD states that “the Council will only grant consent for scaffold shroud advertising in commercial areas of the city and where it is associated with a building refurbishment programme. In such cases it is only to be displayed on the scaffolding during the course of the building repair/restoration contract. The council will require evidence of the length of the building contract and will impose a condition on any consent limiting the duration of display. The area of the advertisement should be in proportion to the area of the building façade and in any case should not exceed 50% of the elevation area.”
- 4.21 It goes on to state that on “a building that forms part of a historic group in a conservation area, the advertisement will be expected to be incorporated within a full-scale reproduction image of the building façade, in whole or in part.”
- 4.22 Turning to illumination, the SPD states “where illumination is proposed, it should be by static means only; the light fittings should be discreetly sited and kept to the minimum number necessary. The council may impose an advertisements condition limiting the hours of illumination, in the interests of amenity and to preserve the character of conservation areas.”

## 5 The Proposal

- 5.1 The proposal is for a temporary scaffolding shroud advertisement display on the west-facing elevation of 62-63 East Street during the approved works to the building under a separate consent.
- 5.2 The proposed advertisement is located within a commercial area, on a scaffolding that is being erected to facilitate legitimate building works, and will be displayed only during the course of the repair and refurbishment works, being removed once those works have completed. Furthermore, as required by the Advertisements SPD, the advertisement shroud will not exceed 50% of the elevation area, and will incorporate a full-scale HD printed reproduction of the building façade facing East Street and a short return of the façade fronting 'Avenue'.



- 5.3 The plans demonstrate that an area of 89.4sqm will be occupied by the advertisement, and the total shroud area is 246.6sqm, with 188.2sqm on the front elevation and a return of 58.4sqm on the side elevation. These figures exclude the debris netting along Avenue, which are not included in any areas noted above. This will therefore provide a full HD print of the remainder of the building, as viewed from both East Street and Avenue, with the advertisement shroud being visible to passersby and those travelling towards the Site on Bartholomews. The shroud will also reproduce an image of the business sign within the host building, to allow the retailer to be easily identified and located throughout the duration of the building works.
- 5.4 The display will be illuminated by Low Energy LED lighting units and to avoid any impacts on the surrounding neighbourhood, the lights will be directed precisely on the advert with no sky-glow or light-spill, controlled in line with ambient lighting conditions by photocell technology and further limited by a timer mechanism set to provide an illumination curfew between the hours of 11pm and 7am.
- 5.5 The maximum luminance level will be 300 cdm<sup>2</sup> as per the Institute of Lighting Professionals recommendation under PLG05/23 The Brightness of Illuminated Advertisements.
- 5.6 The proposed advertising shroud would remain in situ for the duration of the construction works, and in any event for a period not exceeding 9 months from January 2024.
- 5.7 The proposal will also accord with the Code of Practice of the Advertising Standards Authority, as set out in the supporting information submitted with this application.

## 6 Key Considerations

6.1 It is considered that the principle of the proposed scaffolding shroud advertisement in this city-centre location is already established by the Advertisements SPD, which sets out that such advertisement shrouding should only take place in a commercial area of the city during the repair and refurbishment works of buildings. As an urbanised area typified by a range of retail and commercial uses, it is therefore considered that the proposed site is suitable for the type of shrouding advertisement proposed.

6.2 The 2007 Advertisement Regulations require an assessment of the proposal in light of amenity and public safety considerations and these are considered in turn below.

### *Amenity*

6.3 The immediate setting of the Site is a distinctly densely urbanised historic city-centre environment, with tall terraced buildings lining the streets, with the Site being located on the corner of the pedestrianised areas of East Street and Avenue, sitting at a crossroads within the public realm of between the wider Brighton City Centre and the Brighton Beach front to the south. Whilst there are Listed heritage assets within proximity of the Site, the proposed temporary shrouding is not considered to be at odds with these buildings in terms of important views, associated uses and the context of a temporary shroud, which will in any event disguise the majority of the scaffolding from the wider public realm for the duration of the refurbishment works.

6.4 The visual impact of the advertisement shrouding itself in this locality is not considered to be significant or detrimental to the character of the area, due to the predominantly retail and commercial uses and as the proposal accords with the Council's Policy on the size of the advertisement and that it does not exceed 50% of the total area, as well as the display replicating the façade of the building underneath. This means the impact of the scaffolding for a temporary period on the heritage of the area and the wider Conservation Area will be mitigated by the reproduced image of the host building displayed on the hoarding.

6.5 This part of the city centre is distinctly urbanised and commercial-focussed in nature, with a range of predominantly retail and other city centre uses. As is the nature with historic buildings, improvements and repairs are often required and as a result there will be periods

when scaffolding is required around a building, and this provides opportunities for advertising and disguising the scaffolding and works happening around the building. As such, advertisement shrouds are often expected in such locations, and are not considered out of keeping with the general commercial and leisure activities taking place within the locality.

- 6.6 The lighting brightness will not impact on the surrounding area due to the existing streetlighting and other features in this city-centre location. The proposed lighting will be angled to direct precisely on the advert with no sky-glow or light-spill, and the lighting will be controlled with photocell technology to respond to the ambient lighting conditions, supplemented by a timer mechanism set to provide an illumination curfew between the hours of 11pm and 7am.
- 6.7 The maximum luminance level of the lighting will be 300 cdm<sup>2</sup> as per the Institute of Lighting Professionals recommendation under PLG05/23 - The Brightness of Illuminated Advertisements.
- 6.8 As a result, it is not considered that the proposed advertisement would result in any harm to the amenity to this locality. The proposed advertisement is in scale with the scaffolding and under the limit of 50% as required by the SPD (89.4sqm coverage). Further, the shroud includes a replication of the building façade covering an area larger of 98.8sqm on the front, and a further 58.4sqm (total 157.2sqm) to comfortably accord with the provisions of the SPD.
- 6.9 The proposed advertisement therefore is considered to be compliant with the provisions the 2007 Advertisement Regulations and the Advertisements SPD (2007) with regards to amenity as it is considered overall that there is no impact on the character and appearance of the area, the host building, the street scene, impact on historical buildings or residential amenity.

### *Highway Safety*

- 6.10 The proposed advertisement shroud will cover scaffolding required to facilitate the repairs and alterations approved to the host building, and therefore the scaffolding already represents a temporary change in the locality affecting the highway.
- 6.11 Whilst the scaffolding is not part of this planning application, the temporary advertisement shroud will be affixed to that scaffolding and that requires planning permission as it does not benefit from deemed consent.

- 6.12 The sign would face west along Bartholomews and would be visible to drivers and pedestrians travelling east towards the Site. It would also be visible to those on East Street, the pedestrianised part of East Street and those exiting Avenue insofar as the return and the replicated building image shown on the north elevation. It is noted that this section of East Street is a fully pedestrianised zone on Saturday and Sundays between the hours of 11am-7pm.
- 6.13 These sections of road are subject to a 20mph speed limit, although the nature of the streets, with parking, junctions, pedestrian crossings and congestion will often reduce driver speeds further in this location. The temporary advertisement hoarding would occupy an elevated position, meaning it is visible to traffic before reaching the junction of Bartholomews, East Street, and Avenue meaning it will give drivers ample time to react to the road conditions, without being unduly distracted by the static image.
- 6.14 In a locality where advertisements are expected, it will not distract drivers from being able to safely navigate the road network, and the static images means that driver's attention will not be diverted away from the road for any more time that a typical fixed advertisement would. The approach therefore provides road users with ample opportunity to see the simple advertising displayed, without it presenting a hazard.
- 6.15 As set out above, the lighting levels at night will not cause a hazard or distraction as the maximum brightness is 300cd/m<sup>2</sup> within no overspill away from the advertisement.
- 6.16 The proposed advertisement therefore is considered to be compliant with those provisions set out in the 2007 Advertisement Regulations and the Advertisement SPD (2007) and it is demonstrated that there is no impact on highway safety.

## 7 Conclusions

- 7.1 This application is for the erection of a temporary advertisement hoarding on the scaffolding to be erected to facilitate the repairs and alterations as approved by planning consent BH2023/01782 for 62-63 East Street, Brighton.
- 7.2 The hoarding would be displayed for a temporary period during construction works on scaffolding, and would include the reproduced image of the façade of the building on an area exceeding 50% of the shroud, with an area less than 50% being occupied by the advertisement. The display would be externally illuminated with lighting levels meeting the Institute of Lighting Professionals recommendation under PLG05/23 The Brightness of Illuminated Advertisements, and would be directed only at the hoarding to avoid sky-glow or light -spill.
- 7.3 This location is distinctly a city-centre environment, and therefore considered a commercial area within the city. The erection of the proposed temporary scaffolding hoarding is therefore in accordance with the provisions of the Council's Advertisements SPD. As the Site is within a Conservation Area, the requirements for a reproduction image of the building façade have been incorporated in the proposal in accordance with the requirements of the Policy.
- 7.4 The proposal is therefore in line with the Council's Advertisements SPD (2007), as well as the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) and therefore, as there is no impact on amenity or on highway safety, it is therefore considered that this application for a temporary scaffolding shrouding should be approved.