

Application Number: 18/01456/ADV

Description Advertisement consent for 3 Fascia Signs

AT Xscape Building, 602 Marlborough Gate, Central Milton Keynes, Milton Keynes, MK9 3XS

FOR Xscape

Target: 28 September 2018

Extension of Time: Yes

Ward: Central Milton Keynes

Parish: Central Milton Keynes
Town Council

Report Author/Case Officer: Elizabeth Verdegem
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1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to the standard advertisement conditions set out in this report.

2.0 INTRODUCTION

The Site

2.1 The application site is located in the south-east grid square of Central Milton Keynes, bounded by Avebury Boulevard, Secklow Gate, Childs Way and Marlborough Street. The proposed adverts are proposed on the south-west elevation of the Xscape building, facing towards Secklow Gate. The Xscape building is surrounded by car parking on all sides, within the grid square, and the building itself contains a number of restaurants, shops and leisure facilities including cinema, bowling alley, indoor sky diving and indoor ski slope.

The Proposal

2.2 This proposal seeks Advertisement Consent for three fascia signs. These consist of a dark blue 'X' for the first sign, and below the word 'xscape' for the second sign at the top and centre of the south-west elevation, to be rear illuminated as a maximum

of 200cd/m². The third sign is proposed on the bottom left corner of the elevation with the words 'make great your escape' in white and unilluminated.

Reason for referral to committee

- 2.3 The application is referred to Development Control Panel as a result of an objection and call-in request from Central Milton Keynes Town Council.

3.0 RELEVANT POLICIES

- 3.1 National Planning Policy Framework (2018)
Paragraph 132: determining advertisement applications
- 3.2 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

The Development Plan

- 3.3 The CMK Alliance Plan 2026 (2014)
Policy CMKAP G9: Design and Height of Buildings
- 3.4 Core Strategy (2013)
Policy CS13: Ensuring High Quality, Well Designed Places
- 3.5 Saved Policies of the Local Plan 2001-2011 (2005)
Policy D1: Impact of Development Proposals on Locality
Policy D2: Design of Buildings

Supplementary Planning Documents

- 3.6 Milton Keynes Council's Outdoor Advertising Policy (2005)
- 3.6 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

4.0 MAIN ISSUES

Principle of development
Impact on Public Safety
Impact on Amenity

5.0 CONSIDERATIONS

Principle of development

- 5.1 The advertisements proposed are of a size and siting which means that they cannot be considered to have deemed consent under The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended). The signs require Advertisement Consent which is being applied for in this application. Advertising applications must only be assessed against impact on amenity and public safety.
- 5.2 For clarity, paragraph 132 of the NPPF (2018) states that: “The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process 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.”
- 5.3 Therefore, an advertisement that is acceptable from an amenity and public safety perspective should be approved. The impact of these factors is considered below.

Impact on Public Safety

- 5.4 The signs are not considered to have any impact on public or highway safety. Although the signs will be visible from the public highway and areas, they are not overly striking that they would be considered distracting, being dark blue and white, and not so brightly lit that they would cause glare or blind drivers, given their position, low level of illumination and given the surrounding lighting in the area. Indeed, the proposed illumination of 200 cd/m² is low and would ensure that the signs would not have a domineering visual impact from close or distant visual viewpoints.
- 5.5 Central Milton Keynes (CMK) Town Council have objected to the proposal on the grounds that the scale of the illuminated signs (the blue X and word “xscape”) would distract drivers at the closest junctions and along Childs Way. Whilst noted, and with respect, the case officer disagrees with this assessment, as due to the simple design of the ‘X’ sign and proposal as a whole, it would not require a lengthy visual examination for a driver to be distracted when at the junction. There are many other road, shop and street signs located near to junctions and along roads that do not cause an issue to public safety.
- 5.6 The Council’s Highways Officer has no objection in highway safety terms given that the proposed illuminance is low, and requests the standard illuminance condition be secured. The case officer agrees that this is a reasonable request and a condition can be imposed to secure this.

- 5.7 It is therefore considered that the proposal is acceptable for a public safety perspective.

Impact on Amenity

- 5.8 CMK Town Council have also objected on the grounds of public amenity, considering that the proposal would be visually intrusive, and have a negative impact on the residents of South 10th Street, and the wider Milton Keynes Area.
- 5.9 Although the proposal would be visible from public viewpoints, it is not considered that the signs would have a negative impact on amenity of nearby residents. Being visible does not in itself equate to a negative amenity impact and although the Town Council have expressed their concerns over the design, the 'X' sign itself would not cause demonstrable harm from a residential amenity perspective, or on the wider landscape and townscape as a whole. The proposal is in dark colours, with subtle low level illuminance in an area characterised with street lights and illumination from the Xscape building itself and other surrounding buildings and signage. If residents in near proximity and further afield are used to seeing the Xscape building at night then the visual impact of this proposal will not negatively affect residential amenity, through lighting or visual intrusion of the signs themselves. The proposal would not lead to a significant or adverse cumulative impact than what is currently experienced within the locality.
- 5.10 The Town Council have also commented that they have concerns with the positioning of the proposal, and the method of fixing to the exterior of the building. Given the height and position of the blue 'X' and 'xscape' it is considered that the method of fixing the signs to the building would not have a negative impact on public amenity, a key factor to consider in Advertisement Consent applications. The signs will be vertically fixed between the two columns on the south-west elevation, and it would therefore be difficult to get a 'side-on' view of the sign to be able to see the way it is fixed to the elevation. Even standing at the entrance of the building and looking up, the slope of the elevation is such that the fixings behind the sign would be unlikely to be visible, and certainly not visually intrusive enough to negatively affect public amenity.
- 5.11 As above, while CMK Town Council has a negative opinion on the white slogan sign, the proposal is not considered to be of a scale or position where it could be considered to have a significant, visually intrusive impact to be having a negative effect on public amenity. The slogan sign is large in order to be easily read but not disproportionate to the building as a whole (nor in terms of the cumulative extent of the proposed signs), but otherwise simple in design and unilluminated, lower down on the building and therefore not likely to be seen from greater distances.

Other Matters

- 5.12 The Town Council and other residents have commented that the Xscape building is already a recognisable feature and question whether the proposal needs additional

signage. This is not a material planning consideration in the determination of this application, as the proposal can only be considered on the above criteria and not whether they are considered necessary.

- 5.13 Policy CMKAP G9 of the CMK Alliance Plan states that “advertisements and corporate signage are not encouraged in the CMK skyline, which is considered public domain.” However, it stands that the signs can only be assessed on the impact on public safety and amenity, as has been assessed above. The signage is not considered to be in the skyline in any case, as all signs are contained within the backdrop of the main building.

6.0 CONCLUSIONS

- 6.1 Overall, it is considered that the proposal will not have a negative impact on amenity or public safety, and therefore complies with the criteria for considering adverts in this regard. Given the nature of the site and surroundings, the proposed signage is considered to be acceptable and is not deemed to be inappropriate therefore it can be supported. The proposed advertisement is considered to comply with Milton Keynes Council's Outdoor Advertising Policy, 2005, saved policies D1 (iii), D2 of the Milton Keynes Local Plan, and the advice within the National Planning Policy Framework 2018.

7.0 CONDITIONS

1. This consent shall be restricted to a period of five years from the date of the consent. On or before the expiry of five years the advertisement/s shall be removed and the building (land) reinstated.

Reason: This condition is specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

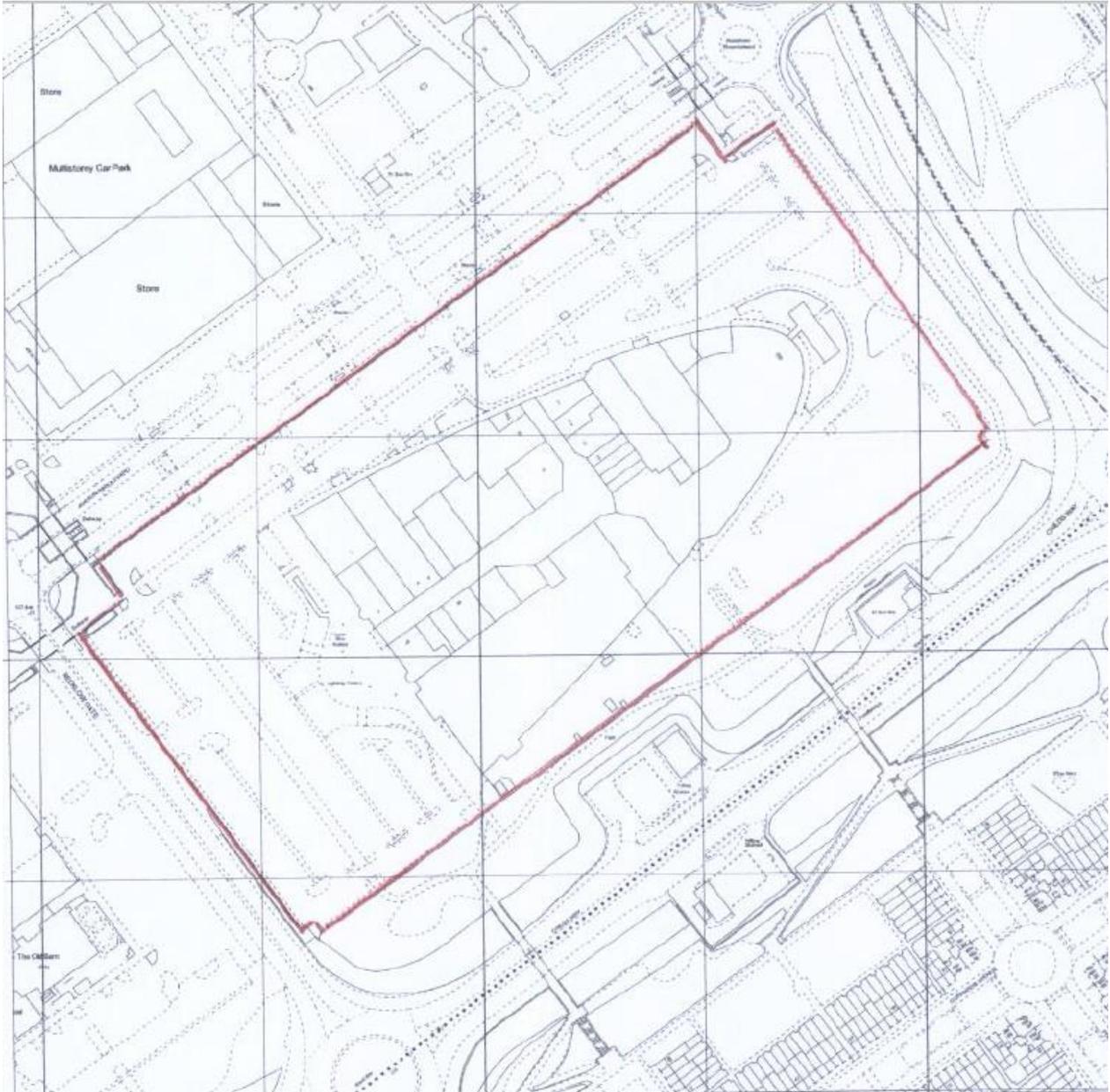
2. i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission (this includes the highway authority, if the sign is to be placed on highway land);
ii. No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- iii. 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.
- iv. 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.
- v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

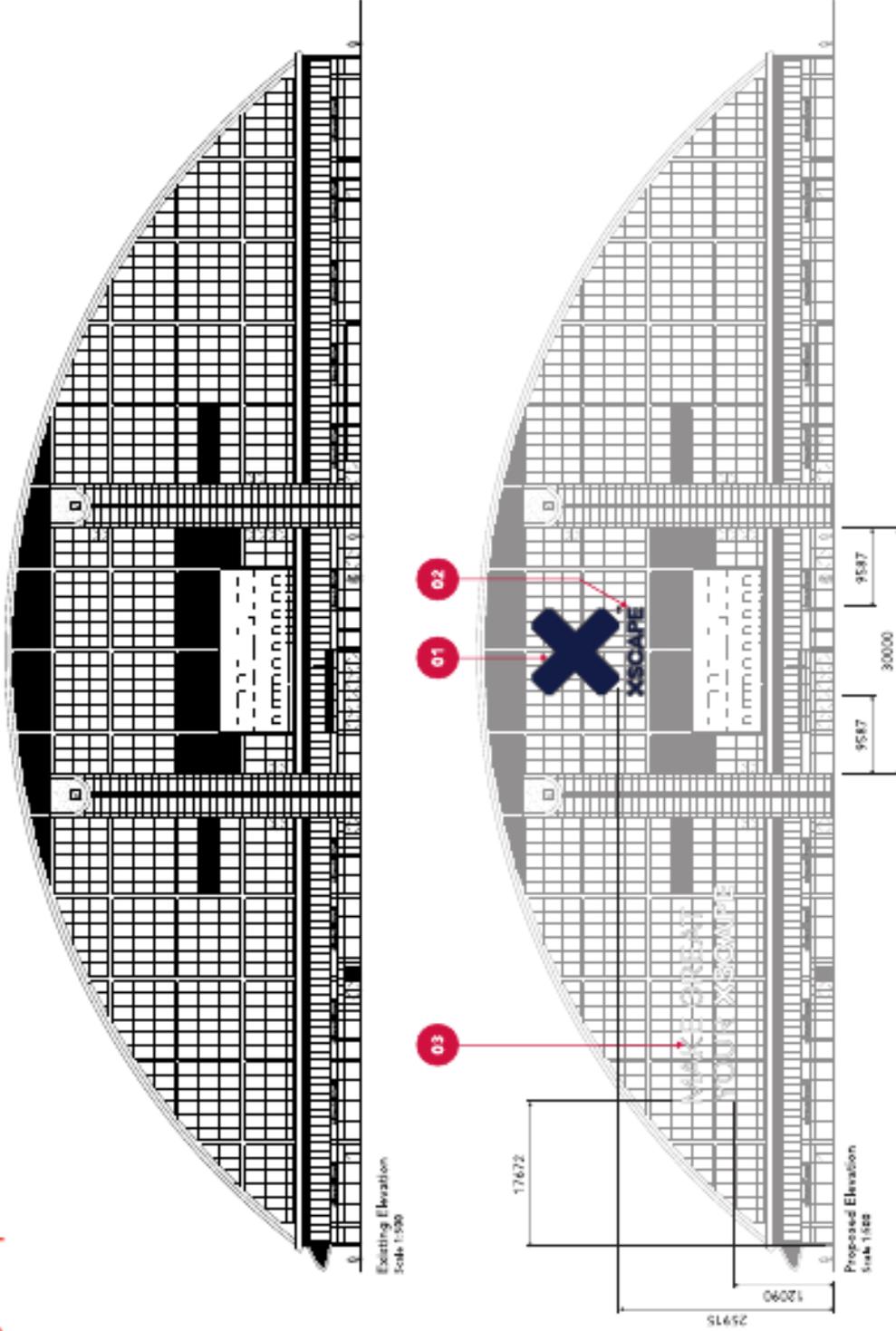
Reason: These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and to prevent an unsatisfactory form of permanent display in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.

- 3. The illumination of the advertisements hereby permitted shall at no time exceed 200 cd/m².

Reason: In the interests of visual and residential amenity and highway safety in accordance with Policy CS13 of the Milton Keynes Core Strategy 2013 and Saved Policy D1 of the Milton Keynes Local Plan 2001-2011.



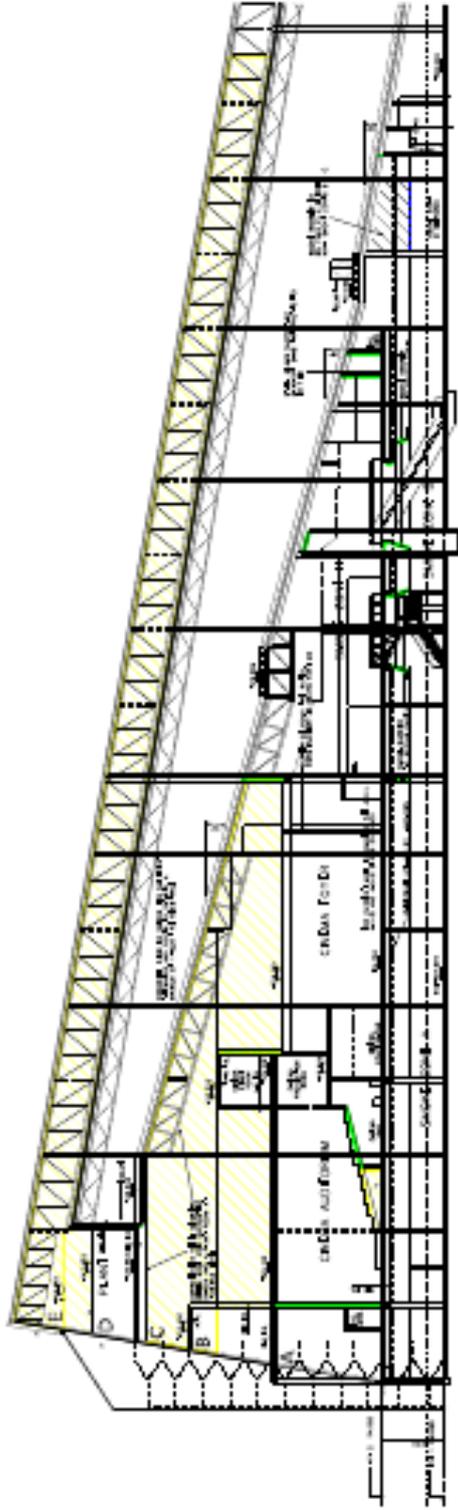
FRONT ELEVATION Existing & Proposed





BUILDING CROSS SECTION

Existing & Proposed

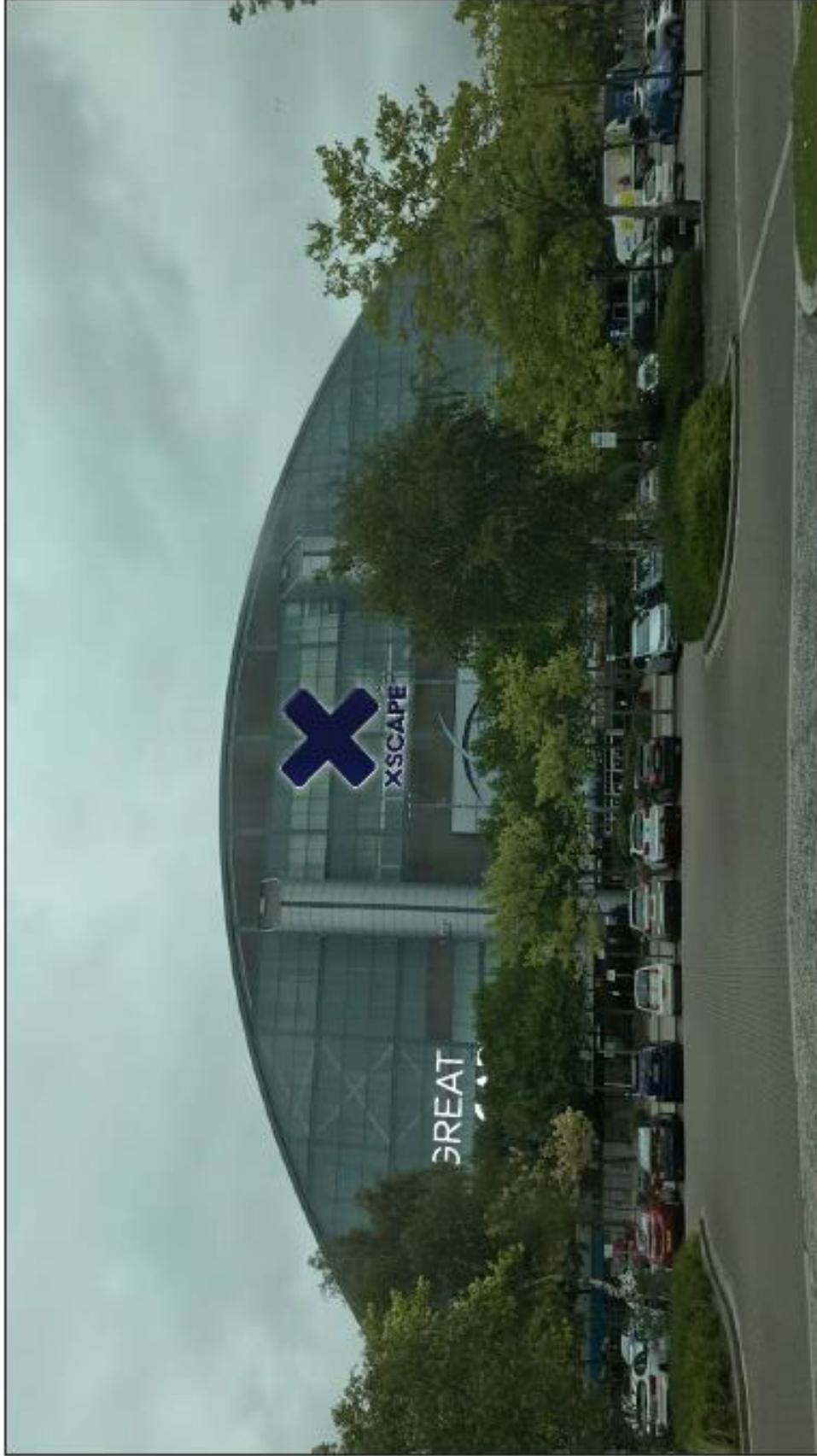


Existing Building Section
Scale 1:500



Proposed Building Section
Scale 1:500

SIGNAGE CONCEPT
Day Time Visual



Appendix to 18/01456/ADV

A1.0 RELEVANT PLANNING HISTORY

No relevant planning history on the site.

A2.0 ADDITIONAL MATTERS

None.

A3.0 CONSULTATIONS AND REPRESENTATIONS

A3.1 Ward Councillor – Cllr Moriah Priestly
No response received.

A3.2 Ward Councillor – Cllr Pauline Wallis
No response received.

A3.3 Ward Councillor – Cllr Paul Williams
No response received.

A3.4 Central Milton Keynes Town Council
“Objects to the application on grounds of negative impact on public amenity and on the safety of the public highway.”

Specific issues raised:

- Size of the ‘X’ and the impact on the skyline,
- impact on residential amenity of the residents of South 10th Street,
- visibility from Loughton and Shenley Church End and west of the A5,
- position of sign “protruding” from the main façade,
- unresolved fixing arrangement, and fixings passing through the glazing,
- “unwelcome” visual intrusion of the slogan sign; and
- considers white vinyl of the slogan sign to be poor quality.

Officer Response

Noted – comments addressed in the report

A3.5 MKC Highways Officer

“I have no objections to the adverts. Please add the appropriate luminance condition using the levels as set out in:

The Professional Lighting Guide, PLG 05, “The Brightness of Illuminated Advertisements” (Institution of Lighting Professionals, 2014).”

Officer Response

Noted – standard advertisement conditions secured.

A3.6 Third party representations

Three representations have been received regarding this application. The material planning considerations are summarised below:

- Considers the sign overbearing.

Other comments have also been submitted which are not considered material planning considerations:

- Consider the sign unnecessary, as the building is well known,
- Consider that there should be a more restrained approach to signage.
- Consider that the 'X' has negative and positive social connotations.