

Committee and date

Central Planning Committee

3 December 2015

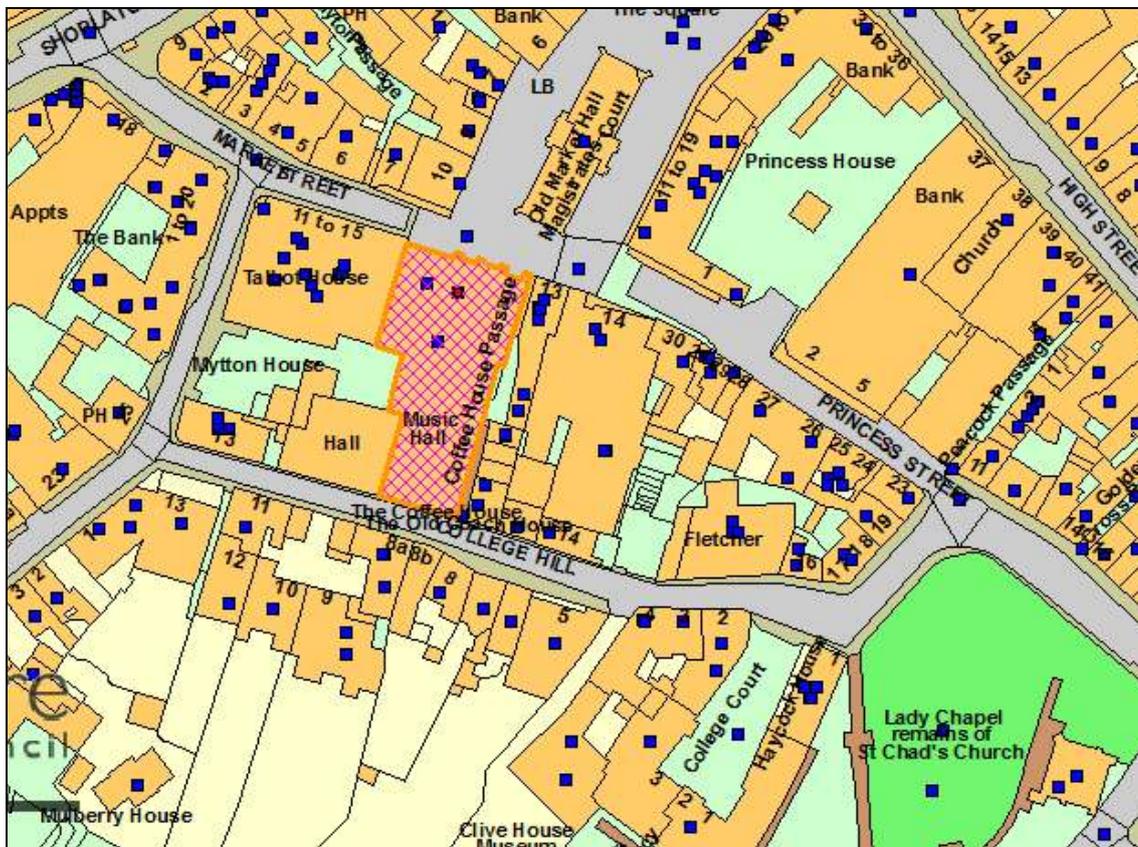
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/04619/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display one free standing sign, two window box signs, and one hanging sign.		
Site Address: The Music Hall The Square Shrewsbury Shropshire SY1 1LH		
Applicant: Mr Craig Varley		
Case Officer: Alison Tichford	email: planningdmc@shropshire.gov.uk	



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Contact: Tim Rogers (01743) 258773

Recommendation:- Grant Permission subject to no outstanding objections from statutory consultee's following completion of statutory consultation, receipt of satisfactory final plans and drawings, information being agreed as to the fixings for the window boxes, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 Advertisement consent is sought for:

- the erection and display of two non- illuminated external window boxes with advertising
- one free-standing pillar advertisement
- one hanging advertisement sign

to one section of the ground floor at The Music Hall, The Square, Shrewsbury, a Grade II Listed Building

1.2 The proposal seeks to provide commercial advertising signage for a ground floor unit within the Music Hall, to be leased by Balfours.

The first element is for 2 window boxes to sit over the sill at the base of the 2 windows to the east of the front door of the Music Hall, such that the windows themselves are free of signage. The window boxes will sit on the sill, and be fixed to the wooden sill. The window boxes will have a front panel with a background colour of Balfours corporate dark blue PMS539 with white and pale blue PMS 5424 lettering detailing the name of Balfours. This panel will be 122cm long and 25cm in height.

(This replaces a previous proposal to have 2 composite board signs to be fixed to the frame/sash boxes of the sash windows, and sitting over the middle three panes of the top row of window lights on the 2 windows, and measuring approximately 129cm wide and 61cm in height.)

The second element is for a free standing composite alloy L shape pillar advertisement, to be fixed with a steel footplate to the pavement at the eastern end of the front elevation to the Music Hall adjacent to Coffee House Passage. The pillar will measure approximately 250cm tall, 50cm wide, and 50cm deep. Two dibond alloy composite face panels in Balfour's corporate PMS 539 dark blue with Balfour's name in white and pale blue PMS 5424 lettering will be fixed to a steel frame (50cm by 50cm) which will not be visible once the sign is installed.

The third element is for a protruding dibond sign attached to a traditional bracket as a hanging sign. This sign is proposed to be 70cm wide, 50cm tall, and 5cm in depth. The sign will have with a background colour of Balfours corporate dark blue PMS539 with white and pale blue PMS 5424 lettering detailing the name of Balfours.

1.3 The application is accompanied by an application for Listed Building Consent (reference 15/04618/LBC)

1.4 Not forming part of this application, but adding additional information to its consideration are the property advertisements proposed to be displayed internally.

It is envisaged that one property will be displayed in each pane of the bottom 2 rows of windows. These advertisements will have deemed consent under the Town and Country Planning (Control of Advertisements) Regulations 2007.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The proposal is associated with the leasing of the vacant ground floor unit within the front east side of the Music Hall, The Square, Shrewsbury.

The former Music Hall, originally constructed in 1839 as a civic hall, is Grade II listed, and contains within it the Grade 2* listed Vaughan's Mansion. It is a substantial historic building in a prominent position facing The Square, directly opposite the Grade I listed Old Market Hall.

The refurbished Music Hall with its new main public use as a Museum contributes strongly and positively to the street scene and wider views within The Square. The building also houses a Museum Shop and a café.

The area is within the Town Centre Special Character Area which forms part of the larger Shrewsbury Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The scheme does not comply with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution, as it falls within the following exception.

“Applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions.”

The Music Hall is owned by The Council, and the rental of part of it by an estate agency is outside the Council's statutory functions.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Response

- 4.1.1** Shropshire Council Archaeology team has been consulted and had no comments to make.

- 4.1.2** Shropshire Council Conservation team has been consulted, and made comments as follows as regards the initial proposal received.

Our team had provided pre-application advice on a similar scheme to introduce commercial signage relevant to this ground floor space within the building.

We had commented that any signage would need to be fully and easily reversible, and that any sign fixings must not damage the fabric of the building and be of a scale that would not dominate the front elevation or the street scene, and not detract from the principal use of the building as a public museum and arts venue.

While we were not opposed to small scale signage placed externally within the two ground floor sash windows, there should be no permanent fixing over the windows and therefore a sprung type installation should be considered.

We have more recently met on site with the applicant and have suggested several modifications to the scheme to reduce the potential dominance of the signage and create a more pedestrian friendly branding for the new occupant of this space. The proposed stand-alone advertising column is recommended to be reduced in height to approximately the height of the central meeting rail within the adjacent sash window, and the proposed text on the column will be reduced in size. The window signage is recommended to be limited to the main middle glazing of the windows only and the proposed coloured panels on either side of the signs within the fixed glazing is recommended to be removed from the scheme. We also suggested that any internal window advertising is kept to a minimum and in a neat and uncluttered format. The advertising should remain non-illuminated as proposed to preserve the overall visual amenity within the Conservation Area. Details of any internal signage at the internal hall entrance to the unit should match existing fixed signage associated with the interior space of the Museum as also discussed on site.

Provided these modifications are made to the current proposal we have no objection to the scheme as subject to the submission of revised plans it is considered that the proposed signage will preserve the character and appearance of the Conservation Area and should have a very low level of impact on the special character of the listed building and its setting in accordance with local and national policy and Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation::

Revised drawings are required as discussed on site however overall no objection subject to satisfactory revised drawings being submitted in conjunction with a sensitive and reversible fixing of the signs as agreed.

Further to Conservation Recommendation

Revised drawings were received, but were not approved by Historic England. (see 15/04618/LBC).

Further discussion with the applicant led to a further revised proposal as outlined above. This proposal is to be discussed with Historic England on 25 November.

As regards the latest proposal, Conservation Team has commented that they see no need for both a hanging sign and a free standing pillar such that only one of these should be agreed.

4.2 Public Response

4.2.1 Shrewsbury Town Council has been consulted but has not yet responded.

4.2.2 A site notice has been displayed since 9th November, and an advertisement detailing the proposal has been placed in “The Shropshire Star”. Ten neighbouring properties have been informed of the application. To date there have been no representations received as a result of this publicity.

4.2.3 The Local Member for Quarry and Coton Hill has made an objection as follows:

I understand that, having at last found what looks like a suitable tenant for this space, the Council is keen to give them a good advertisement. However this is one of the most prominent sites in town. There is already more advertising for the Stop Cafe outside the Music Hall than for the Museum. To give 3 large signs to Balfours seems to be excessive and further reduces the external impact of the Museum and Gallery.

Of the three signs, the corner pillar is the least obtrusive and the most imaginative, providing ample advertising from two directions. The window signs, being external, obstruct the coherence of the windows, as viewed from the Square as well as overbearing the Museum and Gallery. Other businesses have put signs on the inside of windows in listed buildings, but not on the outside.

There also appear to be extra bars on the outside of these windows. Have they been there long?

So I am registering an objection to this application as shown

5.0 THE MAIN ISSUES

Principle of development
Impact on visual amenity
Effect on Public Safety

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 These advertisements are considered to be alterations to a Listed Building, and as therefore needing express consent under the Planning (Listed Buildings and Conservation Areas) Act 1990. This requirement is dealt with under separate reference 15/04618/LBC.

As regards the requirements of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 the proposed signs require express consent, and should be considered by the local planning authority in terms of amenity and public safety.

Policy CS6 states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration, ie. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and should not adversely affect the heritage value and function of these assets.

6.2 Impact on visual amenity

6.2.1 The application site is in an important historic building and in a prominent location facing another Listed Building within the heart of Shrewsbury Town Centre. The

building has some fine architectural detailing, and it is therefore important that any proposed external advertisement signage complements the building, as well as doing nothing to the detriment of the setting of the Market Hall opposite, and that it is appropriate within the Conservation Area.

The elements of the proposed signage requiring express advertisement consent are as follows.

Firstly, the free standing composite alloy L shape pillar advertisement, to be fixed to the pavement at the eastern end of the front elevation to the Music Hall adjacent to Coffee House Passage. The pillar will sit in the corner between The Music Hall and no. 13 The Square, so as not to present any obstructions or hazards to pedestrians. Its positioning in the corner between the two buildings will give the impression of a square pillar.

Secondly, the protruding hanging sign, to be fixed to the wall of the Music Hall.

Finally, the proposed signs to be fixed to cills of the ground floor windows

Existing bicycle racks in front of the windows are to be removed and repositioned elsewhere in The Square.

The need for advertising was discussed with the Conservation Team before a planning application was made, as outlined above, with especial concern that any advertisements should not be fixed to the stonework of the building.

Officers found initial plans submitted for the advertisements unsatisfactory, and met with the applicant to discuss alterations. Following these discussions, revisions were made, including a reduction in the height of the freestanding pillar, but these revisions did not meet objections raised subsequently by Historic England and the Local Member, such that further revisions were then made to produce the proposal as described above.

External signage to this Listed Building is not ideal, as the architectural features to the front elevation will best be appreciated without external additions. However, the signage proposed is easily removable without permanent damaging effect to the building.

It is considered that there is no need for the number of advertisement signs proposed in the revised proposal, and that the protruding sign would be more appropriate to a smaller shopfront than to the grand facade of the Music Hall. However, the standing pillar and the two window boxes are a low key response to the need to advertise, and are considered an acceptable addition to the listed building and to the setting of the Market Hall.

There are several A board signs displayed outside the entrance to the Music Hall which do detract from its appearance but which advertise the museum and café. There are no fixed external advertisements to the windows west of the Music Hall door, but there has been some internal decoration.

The setting of the Market Hall in the Square should not be unduly compromised by these advertisements. It already faces on to large signage of the Job Centre, and there is a mixture of styles of signage all around The Square.

It is considered that the appearance of the proposed signage will not be detrimental to the surrounding historic environment or the wider visual amenity afforded by it.

6.3 Effect on Public Safety

6.3.1 The pillar advertisement will be secured into a corner position between the Music Hall and its neighbour to the east. The proposed protruding sign is envisaged to be attached either between the two windows, or between the main door and the first window to the east. It would be attached at a high level to coincide with the maximum height of the main door to the Music Hall. The signage will not be particularly visually prominent within its environment and there is minimal motor traffic in this area. It is considered that there will be a negligible impact on public safety.

7.0 CONCLUSION

7.1 By its siting and design the proposed window boxes and freestanding pillar advertisements are not considered to be detrimental to the visual amenity of the property or the surrounding historic environment, nor to public safety. The proposal is therefore considered to accord with the requirements of the adopted Core Strategy Policies CS6 and CS17. Recommend delegated powers are granted to Area Planning Manager to approve the window boxes and freestanding pillar once outstanding matters are resolved, subject to Listed Building Consent also being granted. Recommend refusal of the protruding sign.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

D11 - Advertisements

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

09/03307/LBC Alterations to doorway affecting a Grade II* Listed Building GRLBC 8th January 2010

13/03889/COU Application under Section 73a of the Town and Country Planning Act 1990 for the Change of use from D1 (Non-residential institutions) to A1 (Retail) GRANT 7th November 2013

15/03720/FUL Change of use from A1 to A2 WDN 24th September 2015

15/04618/LBC Alterations in connection with erection of a free standing pillar sign and external signage over 2 no. windows affecting a Grade II* Listed Building PCO

15/04619/ADV Erect and display one free standing sign and two fascia signs PDE

SA/80/0716 Erection of an external fire escape staircase to be positioned at rear of information centre, demolition of small area of parapet wall above kitchen, the formation of 2 new door openings and alterations to existing stair layout. PERCON 29th September 1980

SA/81/0908 Alterations to form new entrance and coffee bar. NOOBJC 22nd October 1981

SA/85/0375 Erection of a communications aerial for Civil Defence Headquarters. NOOBJC 11th June 1985

SA/86/0088 Removal of existing old entrance doors facing The Square and the forming of a new stone window with timber sash windows. NOOBJC 11th March 1986

SA/81/0909 Demolition of two buildings to provide additional car parking facilities. NOOBJC 22nd December 1981

SA/80/0926 Provision of flagpole holders fixed to front facade with 3 No. flagpoles for displaying various flags at various times through the year. Size of flags will vary depending upon the event being celebrated. For Shrewsbury and Atcham Borough Council. NOOBJC 18th November 1980

SA/80/0925 3 Flagpoles to display various flags. NOOBJC 24th October 1980

SA/92/0225 Street lighting improvements at the following locations within Shrewsbury Town Centre. 3, 69, 12, 62, 19, 22 and 28 Mardol, 22, 25, 37, 10A St John's Hill, 6 and 3 Cross Hill, 16 Swan Hill, Swan Hill House, 6, 3 Swan Hill, 1 Swan Hill Court, 13A, 8A College Hill, Music Hall - rear of College Hill, 2 College Hill, 9 Shoplatch, 2-5 Princess Street, 2-3 Milk Street, 20 Belmont, 11, 4, 13 Belmont, St. Winefride's Convent - College Hill, 5 Belmont, Granville House - Belmont Bank, Sycamore House - Belmont Bank, 3 and 4 Belmont Bank, Cornhouse Restaurant - St. Julian's Friars, The Acorn - St. Julian's Friars, 24 St. Julian's Friars, 40 and 45 High Street, 16A Princess Street, 5 Shoplatch, 6 Market Street, Hole in the Wall - Mardol Head, 1 Gullet Passage, 7 The Square, Music Hall, 72 Wyle Cop, Lion Hotel - Wyle Cop, Mews Apartments - Barracks Passage, 70 Wyle Cop, Oxleys Florist - Wyle Cop, 5 Belmont Bank. PERCON 1st July 1992

SA/95/1046 Application for listed building consent to provide secondary glazing for sound reduction to three existing windows in the auditorium. PPNREQ 18th October 1995

SA/95/0835 Application for listed building consent for the installation of secondary glazing to two existing windows. NOOBJC 27th October 1995

SA/08/1274/DDM Internal and external alterations to include part demolition in connection with change of use of Music Hall from D2 to D1 affecting a Grade II and Grade II* Listed Building PERCON 9th December 2008

SA/08/1273/DDM Restoration and change of use of Music Hall from D2 to D1 to include museum, tourist information centre, cafe and education facilities PERCON 19th November 2008

SA/03/1066/DDM Listed Building application for removal of partition wall on first floor, affecting a Grade 2* Listed Building PERCON 30th September 2003

SA/02/0628/DDM Internal alterations to existing stage lighting affecting a Grade 2 Listed Building PERCON 12th July 2002

SA/02/0202/DDM Listed building application for internal and external alterations including new entrance doors, replacement handrails, alterations to male and female toilets affecting a grade 2 listed building PERCON 29th April 2002

SA/02/0200/DDM Full planning permission for the installation of automatic entrance doors, cafe lift for wheelchair access and external raised area with dwarf stone wall and metal barrier rail PERCON 5th April 2002

SA/01/1144/DDM Application for listed building consent for internal alterations to include installation of fire doors and improvements to fire escape to rear of cinema, affecting a grade 2 listed building. PERCON 23rd November 2001

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Andrew Bannerman
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. 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.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. 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: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. 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.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. 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, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicleReason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. This consent shall operate for a period of 5 years from the date of this decision.

Reason: In the interests of amenity
7. This development shall be carried out strictly in accordance with approved plans, photographic proposals and drawings as specified below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with approved details.