



Committee and date
Northern Planning Committee
8th November 2022

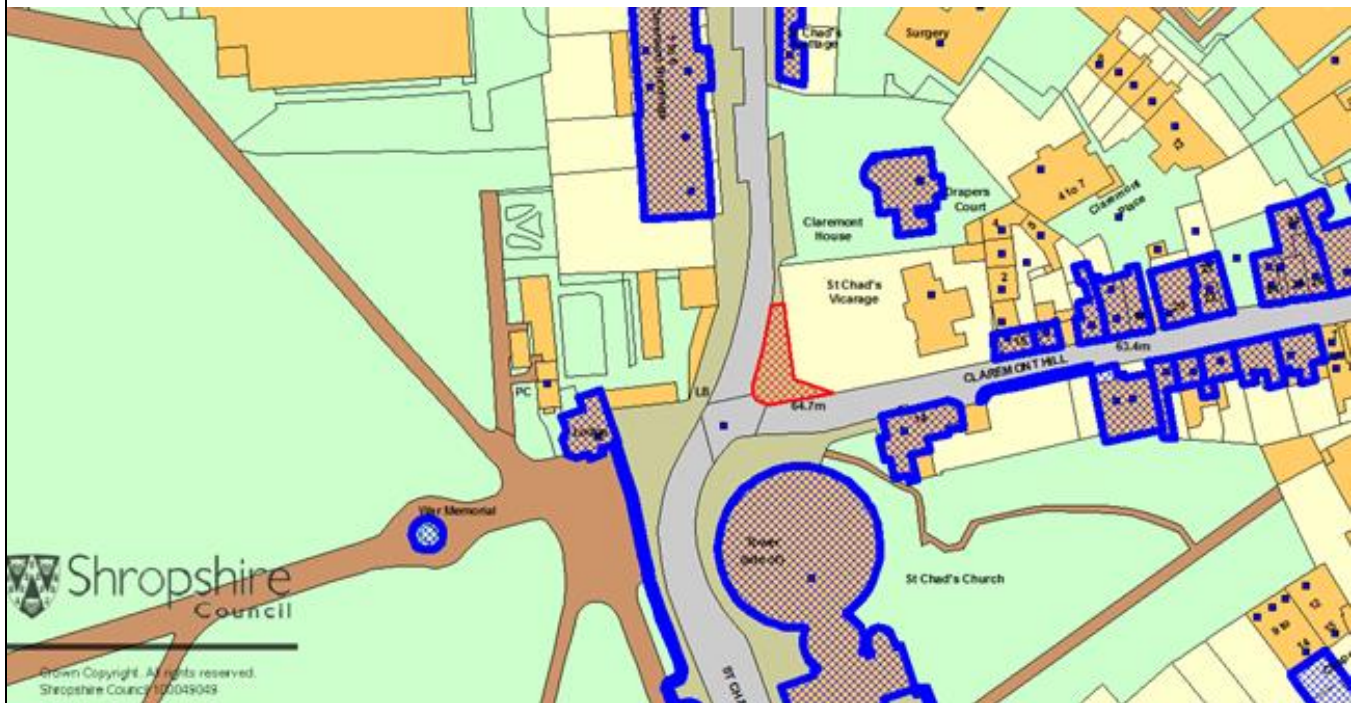
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/03904/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display 1No 75" LCD advert screens		
Site Address: Pavement O/s 2 Claremont Bank Shrewsbury Shropshire		
Applicant: Mr James Browne		
Case Officer: Jane Raymond	email: planning.northern@shropshire.gov.uk	

Grid Ref: 348802 - 312480



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Recommendation: Refuse

Recommended Reason for refusal:

1. It is considered that the proposed double sided illuminated sign due to its scale, design and method of display and siting in this prominent location and having regard to the character of the area in which it will be located, would be detrimental to the visual amenity of the locality and have an adverse visual impact on the character and appearance of the street scene, the setting of nearby listed buildings and this part of Shrewsbury Town Centre Conservation Area. The proposed sign would also reduce the footway to an unacceptable width in this location resulting in a potential adverse impact on pedestrian (public) safety. The proposal is therefore considered to be contrary to local plan policies MD2, MD13, CS6 and CS17 and fails to meet the criteria of national guidance and policy including paragraph 136 and 197 of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application for advertisement consent has been described as 'Erect and display 1No 75" LCD advert screen'. The application has been submitted concurrently with an application for full planning permission (22/03903/FUL) for the 'Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens'.
- 1.2 The proposed hub/kiosk measures 2.960 metres high x 1.236 metres wide and 0.350 metres deep. The hub incorporates an LED static digital display screen on both sides each measuring 1.670 metre high and 0.95 metres wide. The application for advertisement consent is therefore to display 2 illuminated signs.
- 1.3 This report relates to consideration of the erection and display of the illuminated signs only having regard to the relevant legislation, guidance and policy.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This is one of 6 applications for advert consent to be displayed on hubs proposed to be sited at 6 locations within Shrewsbury town centre. This particular hub is proposed to be located on the pavement at the junction with Claremont Bank at the top of Claremont Hill.
- 2.2 The site is situated within the Conservation area and surrounded by listed buildings and associated historic walls and structures. Opposite this site is the Grade II listed Quarry Gate Lodge, the Grade II listed ornate cast and wrought iron gates to the Quarry Park and the historic listed terraces running down each side of Claremont Bank. On the other side of Claremont Hill is the Grade I listed Church of St Chad. The only additions to the pavement in this location is a small bench, a planter, a few cycle hoops and a small parking sign.

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

- 3.1 The application relates to land owned by the Council and the proposal is not in-line with statutory functions.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 **SC Archaeology:** *We have no comments to make on this application with respect to archaeological matters.*

4.1.2 **SC Conservation:** *These concurrent applications follow on from PREAPP/22/00258 on which our Team provided comments where this is one proposed site of a total of six in the Shrewsbury town centre where free-standing structures with illuminated digital screens are proposed to be installed within the public realm along the pavement where the intention is to replace existing BT phone kiosks with these contemporary structures known as 'street hubs'.*

Again with these formal submissions, a product statement prepared by BT explaining what a digital street hub is, its design and specifications and various photographic images of these structures in urban environments has been provided. Drawings, existing street scenes and photo mock-ups relevant to each proposed location in the Shrewsbury town centre and the existing phone kiosks these would replace have also been prepared along with a short heritage statement including an impact assessment relevant to each location.

Each of the six digital street hubs proposed in Shrewsbury are all within the boundaries of the Shrewsbury Conservation Area, and more particularly within the 'Town Centre Special Character Area', where additionally in most cases there are listed buildings and historic built forms in relatively close proximity or within the wider co-visible and inter-visible context of the historic street scene.

We would advise that in considering this type of proposal, due regard to the following local and national policies and guidance would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF), as well as relevant Historic England guidance including GPA3 The Setting of Heritage Assets. As the proposed installation of these structures would be within the Conservation Area, legislatively the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would apply in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. Additionally Section 66 of the Act would be applicable where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

As noted in our comments at the Pre-application stage, having considered these relatively large and tall structures with their predominant digital advertisement screens, and their proposed placement within the public realm and within the Conservation Area, our Team would highlight the harmful impact these structures would potentially have on the character and appearance of the street scene and on

the immediate and wider setting and appearance of designated and non-designated heritage assets which make up and contribute to the town centre streetscape near these proposed installations.

We previously also referred to the BT product statement brochure where the digital street hubs are illustrated and presented within large urban centres of some scale and modern appearance characterised by contemporary built forms, with a high level of wider urban activity within which these digital structures would sit. The Shrewsbury town centre is of a much smaller scale where it is characterised by historic buildings and a much more pedestrian-scale streetscape. Due to the scale, height, siting, design and illumination of these structures they would be overtly visually obtrusive within the street scene, introducing illuminated advertising into the public realm and adding clutter to the pavement. Within the wider context these illuminated structures have the potential to compete visually with historic buildings which contribute positively to the town centre, where these digital structures may harm their setting.

While we would likely raise no objection to the removal of existing modern phone kiosks, their relatively neutral form and appearance as street furniture within the public realm is noted. These existing kiosks particularly contrast with the tall, wide, block-like design of the modern street hubs, where their scale and height combined with the bright colourful appearance of their large digital screens would result in imposing and visually incongruous street furniture being introduced as replacement structures within the street scene.

Turning specifically to this proposed location at the top of Claremont Bank, the proposed street hub in this particular context would appear particularly visually incongruous within this wide pavement and somewhat open streetscape setting, where it would be positioned to the front of a traditional brick wall with tall trees and hedge above it, and opposite the Grade II listed ornate cast and wrought iron gates to the Quarry Park and directly opposite the Picturesque Grade II listed Quarry Gate Lodge. The top of Claremont Bank is devoid of modern buildings, with its predominant built forms being important designated heritage assets including the Grade I listed Church of St Chad, the Quarry Park entrance boundary features and buildings, and the historic listed terraces running down each side of Claremont Bank. This is a very sensitive area and the introduction of this tall modern structure with its illuminated screens would be very much out of character within this historic context and setting.

It is our view that this type of development within the Conservation Area would be harmful, adding visual clutter to the street scene while undermining the setting and appearance of nearby listed buildings. While this would likely represent less than substantial harm, it would be harm none the less, where great weight needs to be given to the conservation of designated heritage assets. This type of installation would neither preserve or enhance the character or appearance of the Conservation Area, would impact on the setting of listed buildings within the Conservation Area, and would be contrary to relevant policies as outlined above which seek to protect and enhance the historic environment.

4.1.3 **SC Highways:** *Shropshire Council as Highway Authority can not support this application at this time. The proposed hub would restrict the footway to an unacceptable width. Shropshire Council have undertaken significant work within Shrewsbury Town Centre as part of the Shrewsbury Integrated Transport Package (SITP) as part of these works, footway widening has been undertaken at the junction with Claremont Bank, the proposals would reduce the footway width where widening has been undertaken to help promote sustainable travel within the Town Centre.*

4.2 Public Comments

4.2.1 **Shrewsbury Town Council:** *The Town Council object to this application as the proposed BT hubs are out of character for the Shrewsbury Conservation Area. Members felt the hubs could encourage anti-social behaviour and they fully supported the comments raised by the Conservation Officer.*

4.1.2 **Civic Society:** *Shrewsbury Civic Society fully endorses the comments of the Conservation Officer.*

To our knowledge, these 'hubs' have been appearing in urban locations around the country over the last twelve months . Whilst these structures may be appropriate for a city location they are not suited to historical areas and, in our opinion, will just produce unnecessary visual 'noise'.

Shrewsbury Civic Society objects to this application.

5.0 THE MAIN ISSUES

In accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the Town and Country Planning (Control of Advertisements) Regulations 2007 (Advert Regulations), applications for advertisement consent are considered against the following issues:

- Impact upon public safety
- Impact on the amenity of the area.

Regulation 3 of the Advert Regulations indicates that local planning authorities in considering the impact on amenity and public safety can take into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

6.0 OFFICER APPRAISAL

6.1 Impact upon public safety

6.1.2 Regulation 3(2)(b) of the Advert Regulations indicates that factors relevant to public safety include *'the safety of persons using any highway'*.

6.1.1 Shropshire Council have undertaken significant work within Shrewsbury Town Centre as part of the Shrewsbury Integrated Transport Package (SITP) and as part of these works, the footway where this hub is proposed to be located has recently been widened. The proposed sign would reduce the footway width, and Highways have objected as the proposal would restrict the footway to an unacceptable width. A reduction in the width of the pavement in this location has the potential to adversely impact on pedestrian (public) safety.

6.2 Impact on the amenity of the area

6.2.1 Regulation 3(2)(a) of the Advert Regulations indicates that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The relevant development plan policies include SAMDev Policies MD2 and MD13 and Core Strategy Policies CS6 and CS17.

6.2.2 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should safeguard local and residential amenity.

6.2.3 The proposed site is situated within Shrewsbury Conservation Area and the proposal therefore also has to be considered against national policies and guidance that relate to heritage assets including section 16 of the National Planning Policy Framework (NPPF). Paragraph 136 of the NPPF is also relevant and indicates that '*The quality and character of places can suffer when advertisements are poorly sited and designed*'.

6.2.4 Shropshire Council policies MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment. Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.5 A Heritage Statement and Design and Access statement has been submitted that identifies that any harm associated with the proposal should be balanced against the public benefits identified. However, the LPA cannot take into consideration the benefits of a proposal when determining an application for advert consent as any benefits of the proposed advert (if there are any) or the benefits of the associated hub are not considered to be 'other relevant factors' referred to in Regulation 3(1)(b) and 3(2)(a) of the Advert Regulations.

6.2.6 The PPG advises that:

'in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where

the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site'.

- 6.2.7 The proposal is for an LED digital display screen over 1.5 metre high and almost 1 metre wide to be displayed on both sides of a BT hub that will be just short of 3 metres high. The submitted Heritage Statement (HS) relevant to this location indicates that the proposed sign will replace an existing BT phone kiosk. However, there is no existing phone kiosk in this location. The submitted HS also indicates the following:

'...the proposed BT Street Hub development will be able to effectively assimilate into a busy street scene where the precedent for modern communication infrastructure has already been set. As such due to the scale of development and wider setting of the locality, any impact by the proposal on the nearby listed buildings and Conservation Area is expected to be minimal.'

- 6.2.8 It is not agreed that the impact of a hub measuring almost 3 metres high with an illuminated sign on both sides would be '*minimal*'. It is also not considered that the proposal is an acceptable scale, design or appearance in this particular location which is not '*a busy street scene*' but a recently widened pavement surrounded by listed buildings, historic structures, protected trees and minimal street furniture.
- 6.2.9 It is agreed with the Conservation officer that the proposal would appear particularly visually incongruous within this wide pavement and somewhat open streetscape and that the introduction of this tall modern structure with its illuminated screens would add visual clutter to the street scene, would be very much out of character within this historic context and setting and undermine the setting and appearance of nearby listed buildings. The proposal would have an adverse impact on the character and appearance of the conservation area and visual amenity in this location.
- 6.2.10 It is considered that the proposal would be contrary to paragraph 136 of the NPPF as due to the siting, scale and design of the sign the proposal would adversely impact on the quality and character of the locality. It would be the first sign of this type within Shrewsbury town centre and would appear out of place and prominent and would not assimilate into the street scene or make a positive contribution to the street scene.

7.0 CONCLUSION

7.1 It is considered that the proposed double sided illuminated sign due to its scale, design and method of display and siting in this prominent location and having regard to the character of the area in which it will be located, would be detrimental to the visual amenity of the locality and have an adverse visual impact on the character and appearance of the street scene, the setting of nearby listed buildings and this part of Shrewsbury Town Centre Conservation Area. The proposed sign would also reduce the footway to an unacceptable width in this location resulting in a potential adverse impact on pedestrian (public) safety. The proposal is therefore considered to be contrary to local plan policies MD2, MD13, CS6 and CS17 and fails to meet the criteria of national guidance and policy including paragraph 136 and 197 of the NPPF and also fails to preserve or enhance the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 six weeks 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 for 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 – insofar 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: NPPF

Core Strategy and Saved Policies: MD2, MD13, CS6 and CS17

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH4SSHTDIHL00>

List of Background Papers: File reference 22/03904/ADV
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member - Councillor Nat Green