



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: 22/03898/ADV	Parish:	Shrewsbury Town Council
Proposal: Erect and display 1No 75" LCD advert screens		
Site Address: Pavement O/S 22 St. Marys Street Shrewsbury Shropshire SY1 1DE		
Applicant: Mr James Browne		
Case Officer: Jane Raymond	email	: jane.raymond@shropshire.gov.uk

Grid Ref: 349306 - 312542



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Recommendation: Refuse subject to the conditions set out in Appendix 1.

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 having regard to the character of the area in which it will be located including the immediate locality and also wider views of the site, would be detrimental to visual amenity 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 unacceptably reduce the width of the pavement with a potential adverse impact on public safety. The proposal is 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 (22/03897/FUL) for the 'Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT Kiosks'.
- 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 BT hubs proposed to be sited at 6 locations within Shrewsbury town centre. This particular hub is proposed to be located on the pavement outside 22 St Marys Street.
- 2.2 The site is within the Conservation area and the BT hub is proposed to be located in front of a modern building in place of an existing call box. Opposite the site is the Grade 1 listed St Mary's Church.

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 on the south-west side of St Mary's Street, the proposed street hub would be placed to the front of a long modern building with consistent rows of large windows above attractive non-illuminated modern shop fronts, where the photo mock-up provided with this application also shows a further long modern building beyond to the north. Directly opposite this position however, and not illustrated in the photo mock-up, is the historic Grade I listed Church of St Mary set back within its open green church yard bounded by low hedging and large trees, where additionally the church square formed by St Mary's Place is ringed by a series of historic buildings, most of which are listed, including the Draper's Hall at Grade II. This is a particularly sensitive street scene with its predominant built forms being important designated heritage assets, most prominently St Mary's Church, where its sense of openness and the way it is experienced as a Grade I listed building set amongst other historic built forms may be detrimentally impacted with the introduction of this tall modern structure with its illuminated screens which 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 raises no objection to the granting of consent of the above-mentioned planning application in relation to LCD advert screen. However, consideration should be given to highway comments submitted in relation to planning application 22/03897/FUL with regard to the proposed location of the proposed BT Street Hub..*

Response to 22/03897/FUL: Whilst the proposed Street Hub would replace the existing phone kiosk, the footway width at the proposed location would be reduced as a result of the proposals (approximately 346mm), it is recommended that an alternative location is found that does not reduce the footway width to less than 2 metres.

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 The proposed hub will replace two existing BT phone boxes but is wider than these and will therefore reduce the width of the pavement to less than 2 metres. Whilst Highways have not objected to the proposed adverts they consider that the structure on which they will be displayed should be relocated so that the pavement width is not reduced. It is considered that the reduction in the width of the pavement has the potential to impact on 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 adverts (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-boarding 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) indicates that:

'There is an array of established street furniture along this section of pavement including signposts, traffic signals, bus shelter and bollards'

and that

'The development in question is for the upgrade of existing pieces of street furniture found. Given these telephone booths with their incorporated advertisements have already been accepted as part of this historical environment, 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 There are no bus shelters on this side of St Marys Street and the pavement has minimal street furniture. It is accepted that the proposed hub will replace an existing BT call box but it will be almost a metre higher than the phone box it will replace. The advertising material on the existing phone box is not illuminated and the shop front in this location and within the town centre generally are also non-illuminated. It is considered that the scale of the proposed hub and the illuminated signs will be totally out of proportion to its setting and out of keeping with the character of the area. It is not considered that it will assimilate into the street scene or that the impact would be minimal.
- 6.2.9 It is agreed with the Conservation officer that the proposed tall modern structure with illuminated screens on both sides would be imposing and visually incongruous in this location and would be very much out of character within the context of the site and would negatively impact on visual amenity, the setting of nearby listed buildings and the character and appearance of the conservation area.

- 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 locality.
- 6.2.11 It is also agreed with the Conservation officer and the Civic Society that whilst the BT hubs of the scale proposed might be appropriate in the context of a larger urban centre characterised by contemporary built forms of much larger scale and modern appearance and within wider spaces they are not appropriate in a small historic town such as Shrewsbury. The town centre is of a much smaller scale where it is characterised by historic buildings and a much more pedestrian-scale streetscape and the applicant has been asked to explore alternative sites and/or a smaller version of the BT hub that would be more appropriate for installation in smaller historic towns such as Shrewsbury.

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 having regard to the character of the area in which it will be located including the immediate locality and also wider views of the site, would be detrimental to visual amenity 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 unacceptably reduce the width of the pavement with a potential adverse impact on public safety. The proposal is 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 CS1

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH4SR2TDIH600>

List of Background Papers: File 22/03898/ADV

Cabinet Member (Portfolio Holder): Councillor Richard Marshall

Local Member: Councillor Nat Green