



Committee and date  
Northern Planning Committee  
8th November 2022

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/03902/ADV	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erect and display 1No 75" LCD advert screens		
<b>Site Address:</b> Pavement O/S H And M 14 Castle Street Shrewsbury SY1 2BW		
<b>Applicant:</b> Mr James Browne		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 349321 - 312688



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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 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 (22/03901/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 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 14 Castle Street currently occupied by H and M.
- 2.2 The site is within the Conservation area and the BT hub is proposed to be located in front of a row of commercial shops at ground floor level. There is some street furniture in this location including the BT kiosk that the proposed hub will replace and a non-illuminated interpretation board which is part of a series of such installations in the town centre to improve wayfinding and information provision for the public. Opposite the site is a row of listed buildings.

### **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.*

*Referring specifically to this proposed location along Castle Street, the proposed street hub would be placed on a stretch of pavement to the immediate front of several relatively modern buildings with commercial shop fronts at ground floor level. While there is a level of some street furniture here, these are of a modest scale and the type not unexpected in this commercial streetscape. A recent addition to the pavement is a non-illuminated interpretation board which is part of a series of such installations in the town centre to improve wayfinding and information provision for the public. Directly across Castle Street at this location is a more historic row of town centre buildings, with a number of these being Grade II listed, as identified in the heritage statement for this particular street hub installation, where the potential of minor harm on the setting of these buildings and the Conservation Area is also identified in the impact assessment section of that statement. Looking at the wider street scene here the predominant built forms are historic buildings including a series of designated heritage assets, and as such it is our view that the introduction of this tall rectangular modern structure with its pair of illuminated screens would be very much out of character within this historic context and setting, comprising a visually dominant form of street furniture within the public realm.*

*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. if permitted, it is recommended that the applicant and contractor contacts Shropshire Councils Streetworks team to obtain the necessary permission to carry out work on the highway Application forms and charges | Shropshire Council*

## 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.*

4.2.2 **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.*

4.2.3 One letter of support summarised as follows:

They will enhance the town centre by de cluttering pavement spaces

Will bring free WIFI to the town centre

Will provide advertisement including local council ads (should the council wish to advertise public messages on them)

Will bring 4G and 5G to the area in the town

Will provide free 30 mins calls and USB charging and a 999 emergency button

Doesn't consider they would do any harm to the town or ruin historical buildings and block views of the town centre as they will create extra space

There is an issue with the location on one of the proposed hubs but considers BT can work around the issue with Shrewsbury County council.

As an occasional visitor to Shrewsbury considers the street hubs will be beneficial and improve the town centre by removing the old phone boxes and replacing with modern BT Street hubs.

## 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**

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

6.1.2 It is not considered that the proposal would adversely impact on public safety or the safety of persons using the highway.

### **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) states the following:

*'It needs to be reiterated 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 It is accepted that the proposed hub will replace an existing BT kiosk in this location but the proposal will be almost a metre higher and it is considered that the scale of the hub is totally out of proportion to its setting. 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' or that it will assimilate into a busy street scene. Although the sign will be outside a more modern retail units the fascia signs to these premises are more modest and non-illuminated as are many fascia signs on shopfronts within Shrewsbury town centre. The wider setting of the locality comprises the listed buildings immediately opposite and also along Castle Street to the north east.

6.2.9 It is agreed with the Conservation officer that the proposed tall modern structure with illuminated screens on both sides would be a visually dominant and prominent

feature in the immediate and wider street scape and also in longer views of the site that would be very much out of character within the context of the site and would negatively impact on the setting of nearby listed buildings and the character and appearance of the conservation area and therefore visual amenity.

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 therefore not assimilate into the street scene or make a positive contribution to the street scene.

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 than within Shrewsbury they are not appropriate in this location. Shrewsbury 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 considered 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 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=RH4SS4TDIHG00>

List of Background Papers: File reference 22/03902/ADV
Cabinet Member (Portfolio Holder): Councillor Richard Marshall
Local Member : Councillor Nat Green