
Appeal Decision

Site visit made on 19 September 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/C3240/Z/16/3149357
10 Stafford Street, Newport T10 7LT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by TS News Limited against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/0002, dated 23 December 2015, was refused by notice dated 26 February 2016.
 - The advertisement proposed is a “non-illuminated fascia sign to the side elevation”.
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Decision

1. The appeal is allowed and express consent is granted for the display of the non- illuminated fascia sign to the side elevation as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. The Council issued a split decision which granted express advertisement consent for 2 non-illuminated fascia signs on the front elevation of the building, identified as Elevation A on drg.no. NPORT-EXT Revision 1b-Op2 (dated 21 October 2015). For the avoidance of doubt, this appeal relates to a non-illuminated box sign located on the side elevation, identified as Elevation B on drg.no. NPORT-EXT Revision 1b-Op2 Op2 (dated 21 October 2015). At the time of my visit, the advertisement subject to this appeal together with those granted express consent by the Council were in place.
 3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to a number of development plan policies and the Shop Fronts and Signage Design Guidance in Conservation Areas Supplementary Planning Guidance (SPD), adopted December 2011, that it considers relevant to the appeal. I have taken the policies and guidance into account as material considerations, in so far as they relate to amenity and public safety.
 4. The Council’s decision notice also refers to emerging Policy EC10 of the Telford & Wrekin Local Plan 2011 - 2031, Publication Version - January 2016. However, this document has not been adopted at the present time and there is no evidence before me with respect to the extent to which there are unresolved objections to emerging Policy EC10 which limits the weight I can give to it.
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Main Issues

5. The main issues are the effect on amenity, including the character and appearance of Newport Conservation Area, and on public safety.

Reasons

6. The appeal site is located on Stafford Street at the edge of Newport Conservation Area. The Newport Conservation Area includes the historic core of the small market town with a range of historic and traditional buildings arranged in predominantly two storey terraces along High Street with commercial uses at ground floor level. Stafford Street comprises a secondary shopping area linking to High Street that is characterised by a large two storey building comprising of an indoor market and other commercial premises on its north western side.
7. The appeal property is within a three storey building located on the south eastern side of Stafford Street which has a utilitarian appearance with a variety of properties types and styles immediately surrounding. The advertisement relates to the corner property within a row of three commercial premises at ground floor level that are facing Stafford Street. Residential accommodation is located to upper floors of the building.
8. The appearance of the building and those neighbouring to the west on Stafford Street vary substantially at ground floor level due to existing retail frontages and signage of differing colour, scale, proportions, position, style and detailing, with some including external illumination. The assorted appearance at ground floor level of the building continues on its side elevation through a shopfront, outdoor sales area and two modest non-illuminated fascia signs associated with a commercial unit within a single storey annex at the rear. Towards the front of the side elevation of the building, where the advertisement subject to this appeal is located, are six existing poster boards and an air conditioning unit at ground floor level. The side elevation faces the junction of Stafford Street with a car park access.
9. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy CS 15 of the Telford & Wrekin Core Strategy Development Plan Document (CS), adopted December 2007, relates to urban design principles for development generally rather than amenity considerations for advertisements specifically. Furthermore, the SPD links to Policy HE10 of the Wrekin Local Plan 1995 - 2006 (WLP), adopted February 2000, which is specific to advertisements in conservation areas, but to which the Council did not identify a specific conflict. I am therefore guided principally by PPG¹ which states that factors relevant to amenity, consist of the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and whether the advertisement is in scale and in keeping with these features.
10. I have considered the number of existing adverts, their colours and the impact on the Conservation Area. In this respect, the advertisements displayed on the property, including the box sign subject to this appeal, do not appear

¹ Advertisements - Paragraph: 079 Reference ID: 18b-079-20140306 (Revision date 06 03 2014)

incongruous, excessive or out of scale relative to the function of the retail premises and the nature of its surroundings in Stafford Street. This is noting the number of other retail and other commercial premises in the Conservation Area and the range of existing advertisements displayed.

11. In reaching the above findings, I have taken into account that views along Stafford Street towards the side elevation are partially screened by the set forward position of Buttercross Court opposite. This limits the prominence and visibility of the advertisement beyond the immediate proximity of the junction of Stafford Street with the entrance to and exit from a public car park. Although the box sign is of a bright colour, when viewed against the similar colour and scale of the adjacent fascia sign, it does not result in an overly dominant or harmful effect upon the host building or the street scene. The advertisement does not, therefore, detract from the current appearance of the building and does, therefore, preserve the character and appearance of the Newport Conservation Area.
12. Turning to public safety, Policy CS15 of the CS seeks to sustain safe places and Saved Policy S31 of the WLP states that any advertisement should not be designed or located in such a way that it obscures the visibility of, or causes undue distraction to, users of the highway. The PPG² sets out advertisement considerations affecting public safety on roads, together with the location and main types of advertisement which may cause danger to road users. As the advertisement faces the junction of Stafford Street with an entrance to and exit from a public car park it does consist of a location identified in the PPG as more likely to affect public safety.
13. Notwithstanding the above, the advertisement is on a site within a commercial locality, comprises a business sign and is not on a skyline. These are circumstances where the PPG indicates that there are less likely to be road safety problems. In addition, the advertisement does not obstruct or impair existing sightlines at the junction or traffic signs or signals given its position on the side elevation of the building and would not be illuminated or involve moving elements. There are also various other advertisements visible to drivers and pedestrians surrounding the junction at the entrance and exit to the car park. This includes a number located on the side elevation of the building, fascia signs with external illumination facing Stafford Street and a variety of signage colours. In such circumstances, the advertisement would not be likely to command undue attention, so as to distract the attention of drivers and pedestrians taking the appropriate level of care as they negotiated the junction.
14. I conclude that the advertisement preserves the character and appearance of Newport Conservation Area and does not have a detrimental impact on the amenity and public safety of the site and its surroundings. The proposal does not therefore conflict with Policy CS15 of the CS and Saved Policy S31 of the WLP and guidance within the SPD, in so far as they are relevant and consistent with the Framework and the PPG in terms of consideration of amenity and public safety.

² Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 (Revision date 06 03 2014) & Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 (Revision date 06 03 2014)

Conditions

15. The Council have not suggested any conditions beyond the five standard conditions set out in the Regulations.
16. The appellant has expressed a willingness to remove the existing poster signs. However, given my conclusion on the main issues, a condition in this respect is not necessary to make the advertisement acceptable.

Conclusion

17. For the reasons given above and taking account of all other matters raised, I conclude that the appeal should be allowed.

Gareth Wildgoose

INSPECTOR