



Appeal Decisions

Site visit made on 24 May 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal A Ref: APP/D1780/W/22/3299729

Land adjacent to 14 Bargate Street, Southampton SO14 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens, JCDecaux UK Limited, against the decision of Southampton City Council.
 - The application Ref 21/01827/FUL, dated 13 December 2021, was refused by notice dated 27 April 2022.
 - The development proposed is an open access Communications Hub.
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Appeal B Ref: APP/D1780/H/22/3299730

Land adjacent to 14 Bargate Street, Southampton SO14 2DA

- 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 Mr Martin Stephens, JCDecaux UK Limited, against the decision of Southampton City Council.
 - The application Ref 21/01828/ADV, dated 13 December 2021, was refused by notice dated 27 April 2022.
 - The advertisement proposed is described as: *integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device.*
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals considered under different, complementary legislation, one relating to a Communications Hub structure and the other relating to an advertisement that would be displayed on one side of it. I have considered each on its own merits although they raise similar considerations and to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The Council's decision notices include reference to the effect on the Old Town Conservation Area (OTCA), a designated heritage asset. However, the Council's plan shows the boundary of the OTCA to the south of the footway where the proposal would be situated. As such the proposal would be outside the OTCA and therefore the statutory duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which relates to land in a conservation area, is not engaged.

4. Revised drawings showing the proposed unit situated in line with a row of trees on Bargate Street have been presented with the advertisement consent appeal. Despite not being presented with the planning appeal it is clear from the Council's delegated report that revised plans were considered prior to it making its decision and the two elements of the proposal rely on being co-located. I have determined both appeals on the basis of these revised drawings.
5. The reason for refusing express advertisement consent does not indicate that public safety would be harmed.

Main Issues

6. Therefore, the main issues raised by these appeals are: the effect the development would have on the character and appearance of the area, including the significance of the grade I listed and scheduled Bar Gate and Guild Hall¹ (the Bar Gate) and the OTCA; and the effect the advertisement would have on amenity having regard to the character and appearance of the area, the grade I listed and scheduled status of the Bar Gate and the significance of the OTCA.

Reasons

Character and appearance

7. Bargate Street contains a variety of street furniture, some closer to the OTCA and The Bar Gate than the appeal proposal, including signs, cycle stands, bus shelters and waste bins. It is of note that two similar digital advertisement displays, one incorporating a communications function, are also sited on the relatively short stretch of Bargate Street between Portland Terrace and West Bargate. Whilst this has generated somewhat of a busy appearance, bulkier and more prominent elements such as advertisements, a street map and bus shelters are spaced out along the street with generous separation between them retaining a degree of spaciousness and order within the streetscape. A row of five street trees enlivens part of the north side of Bargate Street and the existing advertisement structure at the Portland Terrace end of the street more or less lines up with these.
8. The proposed unit and advertisement would be situated very close to, and in line with, this existing advertisement with a single tree separating them. The oblong mass of the structure would interrupt the line of trees whose stems are currently visible as an uninterrupted line with other vertical structures beyond either end. It would also be seen in most views with either the adjoining advertisement structure close to in the foreground or background, eroding the spacious arrangement of street furniture and giving a cluttered appearance.
9. The proposed unit's proximity to that existing advertisement unit, combined with its relationship with it and the row of trees would respond poorly to the existing streetscape and render it an awkward and intrusive element. This adverse effect would also be noticeable in hours of darkness as a result of the illuminated advertisement display. The proposal would harm the character and appearance, and hence the visual amenity, of the area.

¹ The Scheduled Monument is known as Town wall: the Bar Gate.

Designated heritage assets

10. The Bar Gate is a designated heritage asset of the highest significance as recognised by its grade I listed and scheduled monument status. Originating in the late C12 with alterations through the centuries, this impressive stone structure sits not far from the site at the junction of Bargate and High Streets. Its considerable significance is derived from its age, history, architecture, structure and historic associations with the city.
11. It also derives some significance from the townscape setting in which it sits. The generous proportions of Bargate Street to the west enable the Bar Gate's significance to be appreciated and understood by revealing it as a prominent feature in views along the street, along with its context with the nearby town walls and in part as a result of the simple and unfussy elevations of buildings along Bargate Street which do not visually compete with the asset. This part of its setting is therefore a notable component of its significance.
12. The OTCA covers an extensive area incorporating the historic street layout, many lined with historic buildings and bounded in places, including opposite the appeal site, by the substantial remains of the medieval town walls. In the vicinity of the appeal site the spacious streetscape enables the historic town, and particularly the town walls which form a component of it, to be appreciated and understood and forms an important part of the significance that it derives from its setting.
13. However, as the significance that the Bar Gate and the OTCA derive from their settings relies to a large extent on the scale and proportions of the street and the visibility of the assets from it, the proposed hub unit and the size of the advertisement on it would not be of a scale or in a position that would harmfully intrude on those settings. Although it would interrupt views of the Bar Gate from a discrete section of the footway, this effect would be fleeting and only experienced in one direction. Importantly, it would also be experienced in the context of other street furniture, many items of which are closer to the Bar Gate and are within the OTCA boundary.
14. Having had special regard to the desirability of preserving the listed building or its setting, the development would not harm its special interest. I have given great weight to their conservation, but overall the proposal would not harm the significance that either designated heritage assets derive from their settings. As such the proposal would preserve the setting of the listed Bar Gate. It would have a negligible effect on how the significance of the Bar Gate as a scheduled monument and the OTCA are experienced. In this particular respect the advertisement would not harm amenity, including the historic, architectural or cultural interest of those features.

Overall findings

15. Nevertheless, despite my finding no heritage harm, this does not alter the harmful effects I have identified on character and appearance, and visual amenity, as a result of the proposals' siting, size and design, and in the case of the advertisement, illumination.

16. As the development would not contribute to placemaking nor the quality of the public realm it would not accord with Core Strategy² Policy CS 13. It would consequently conflict with City Centre Action Plan³ Policy AP 16's high quality design requirement and Policy SDP 24's requirement that advertisements respect the character and appearance of areas in which they are displayed. The proposal would not accord with saved Local Plan⁴ Policy SDP 7 as it would harm the character and appearance of the area. I have taken account of these policies in respect of the advertisement appeal and as I have concluded that the advertisement would harm amenity, that part of the proposal would conflict with those policies also.
17. However, given my findings on heritage effects, the proposal would avoid conflict with Core Strategy Policy CS 14 and with Local Plan Policies HE1 and HE3.
18. I have taken into account the relevant factor that the National Planning Policy Framework⁵ recognises that the quality and character of places can suffer when advertisements are poorly sited and designed, and that would be the case with this proposal.

Other Matters

19. The reduction of the likelihood of an obstruction to pedestrians from the revised siting does not amount to a positive factor that weighs in support of either appeal. I have noted the appellant's commentary about the use and benefits of the proposal, including the provision of a defibrillator and display of community messages. I have also noted the approach to their roll out of similar Communication Hubs in the City. However, these matters do not alter the site specific circumstances that have led to my findings above. Similarly, the presence and acceptability of similar structures and advertisements elsewhere in the City Centre does not alter my findings about this particular proposal.

Conclusion

20. For the above reasons the development would harm the character and appearance of the area, contrary to the development plan considered as a whole and the advertisement would harm amenity. Consequently, both appeals are dismissed.

Geoff Underwood

INSPECTOR

² Local Development Framework - Core Strategy Development Plan Document, Amended Version incorporating the Core Strategy Partial Review, March 2015.

³ Planning Southampton City Centre -City Centre Action Plan, 2015.

⁴ City of Southampton Local Plan Review – Adopted Version 2nd Revision, 2015.

⁵ Paragraph 136.