



Appeal Decisions

Site visit made on 19 September 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal C Ref: APP/Z3445/W/22/3310035

Pavement o/s 30 George Street, Tamworth B79 7LA

- 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 BT Telecommunications against the decision of Tamworth Borough Council.
 - The application Ref 0311/2022, dated 13 July 2022, was refused by notice dated 9 September 2022.
 - The development proposed is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and associated BT Phone Kiosk removal.
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Appeal D Ref: APP/Z3445/H/22/3310036

Pavement o/s 30 George Street, Tamworth B79 7LA

- 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 BT Telecommunications against the decision of Tamworth Borough Council.
- The application Ref 0314/022, dated 13 July 2022, was refused by notice dated 9 September 2022.

The advertisement proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and associated BT Phone Kiosk removal.

Decision

1. Appeal C is dismissed.
2. Appeal D is dismissed.

Preliminary Matters

3. The two appeals are part of a suite of 6 appeals submitted together for similar development and advertisement installations at 3 separate locations in Tamworth town centre. These are listed below in Appendix 1 and are the subject of separate decisions.
4. The two above appeals relate to the same site. Appeal C relates to the refusal of planning permission for the installation of a 'Street Hub'. Appeal D is against the refusal of advertisement consent for internally illuminated digital signs on either side of the Street Hub. I shall consider each appeal on its individual merits. However, as the hub and the advertisement are inextricably linked, I will deal with the two appeals in a single document to avoid duplication.
5. The Council confirms in its Statement of Case that the second reason for refusal in the advertisement appeal (Appeal D) relating to luminance levels, was an error as the Highways Authority has no objection following receipt of

luminance details. Therefore, there is no need for me to consider this matter further.

6. In respect of Appeal D, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. While not in themselves decisive in Appeal D, I have taken into account policies cited in this appeal as a material consideration where relevant.
7. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and officially replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.

Main Issues

8. In its combined Statement of Case, the Council states that the Highway Authority confirmed that the daytime and nighttime luminance levels are acceptable, and it has no further objection on highway safety grounds. The Council has subsequently confirmed that the advertisement refusal reason (for Appeal D) relating to luminance was included in error. Therefore, is no need for me to consider this matter further.
9. In light of the above, the main issue for Appeals C and D is the effect on the character and appearance and visual amenity of the area, having regard to the Tamworth Town Centre Conservation Area (the 'CA') and the setting of nearby listed buildings.
10. The main issue for Appeal C is the effect of the proposal on the safe movement of pedestrians.

Reasons

Character and appearance/visual amenity (Appeals C and D)

11. The appeal site in George Street is located within the CA, which comprises the town's older centre with its castle, with its street pattern, buildings displaying a variety of architectural styles and the castle and its wider grounds by the river. The heritage significance of the CA is derived principally from its historic and architectural interest as part of Tamworth's growth.
12. Whilst a number of buildings in George Street have been replaced over time by larger and more modern retail buildings, including the large projecting porticoed entrance to the indoor Ankerside Shopping Centre, it still forms a principal thoroughfare through the CA as part of the town's street pattern with an eclectic mix of buildings to which the wide street containing the appeal site positively contributes.
13. There are a number of nearby listed buildings which form part of George Street and the CA. These include Nos.3, 4, and 5 George Street that form a Grade II listed three-storey terrace, now shops on the ground floor, to the eastern end of George Street. Lloyds Bank is also a Grade II listed building nearby. Of

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

particular note is No.22 Market Street, a Grade II listed, ornate, curved, former bank building (currently the Halifax) to the west of the site that occupies a prominent location and is a focal point towards the western end of George Street. Whilst the individual buildings have their own specific historic and architectural interest as part of Tamworth's evolution, in the context of this appeal their setting is primarily associated with their visibility as part of the commercial street scene. The wide and pedestrianised nature of George Street contributes to their setting and allows appreciation of their significance. Nonetheless, due to the slight curve of George Street, the separation distance and the intervening projecting porch entrance to the Ankerside shopping centre there would be little relationship or intervisibility between the appeal site and Nos. 3, 4 and 5 George Street.

14. The proposal would see the installation of a Street Hub, as part of the appellant's national project to replace existing telephone kiosks, many of which have fallen into disrepair. It would be a freestanding double-sided internally illuminated digital advertising board with 75" LCD display screens on each side. The structure would measure approximately 2.98m tall x 1.2m wide and 0.35m deep. It would be made of powder coated galvanised mild steel, which the illustrations indicate would be black. On the edge of the display structure there would be a small interactive digital display screen which can be used to make free UK and emergency phone calls and access local council services. The facility would also provide free Wi-Fi, improved 5G telecommunications coverage and USB charging points.
15. The area where the hub would be located is a pedestrianised part of the town on a wide thoroughfare outside a commercial premises occupied by Shipleys. This section of George Street is currently devoid of street furniture, apart from streetlamps at the outer edge of the street, a few well-spaced litter bins and bollards. Furthermore, there are no telephone kiosks in George Street – they are up a side alley College Lane. As a result, the wide open nature of the pedestrianised area allows good views and towards the heritage assets.
16. By reason of its size, height and its siting as a freestanding structure almost in the middle of the street some distance from the nearest building, it would be a large dominant structure, even if relatively slender. Furthermore, the large internally illuminated advertisement panels on either side of the structure would be particularly obtrusive and a visual intrusion in the open pedestrianised street. As a result, the proposal would interfere and compete with views of heritage assets, eroding the visual appreciation of the buildings in the street scene, harming their significance, as well as the character and appearance of the CA.
17. Even if the brightness of the signs was within luminance levels approved by the national Institution of Lighting Engineers Technical Report, the proposal would nonetheless be at odds with the overall surrounding restrained shopfront illumination. I appreciate George Street is a mainly commercial area and that advertisements are common, but these are mainly at fascia level contained within shopfronts. The proposed advertising would be at a lower level, in the middle of a pedestrianised street, which would draw attention to the presence of a large physical structure. It would therefore be unduly prominent in the street scene to the detriment of visual amenity.

18. In accordance with my statutory duties² and paragraph 199 of the Framework I attach great weight to the conservation of the designated heritage assets and to the harm that would be caused to them. Framework paragraph 200 further advises that significance of a heritage asset can be harmed or lost through the alteration or destruction of those assets, or from development within their setting and that clear and convincing justification is required. Whilst the harm caused to the significance of the heritage assets would be less than substantial, paragraph 202 of the Framework states that the harm should be weighed against the public benefits.
19. The proposal would accord with the government's digital strategy and national policy in Framework paragraph 114, which recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing. It would provide replacement facilities and technology for making public phone calls in an environment where some users might feel safer than using the kiosks in College Lane, although this would be limited in scale. There would be improved Wi-Fi connections for residents and visitors in the town centre, including 'wayfinding' maps which may encourage visitors and residents to explore more of the town on foot and bike. Whilst there may be some associated benefits and some synergy with Council policies to encourage other modes of transport and improve the local economy, the scale of any benefits would be limited by one Street Hub.
20. The two telephone kiosks that would be replaced are located in the side alleyway along College Lane. Therefore, whilst the proposal might reduce the number of kiosks in Tamworth as a whole, there would be no reduction of street clutter or visual betterment to George Street itself. Indeed, the proposal would see the addition of street furniture. Moreover, whilst the proposal is part of a wider plan by the appellant to improve digital communications, there is nothing to indicate that this can only be achieved by the proposed Street Hub in this location.
21. The appellant draws my attention to a number of Council and appeal decisions. The one described in Tamworth's Conservation Area was for replacement, but smaller, signage on an existing bus shelter. The other examples are in different cities in other parts of the country. Even if modern Street Hubs have been allowed in other historic environments elsewhere, all decisions turn on their own characteristics and site-specific issues based on the facts before each decision-maker at the time. Hence the examples are not directly comparable to the appeal proposal, which I must consider on its own merits.
22. I conclude that the public benefits of the proposal, alone or in combination, do not outweigh the harm that would be caused to the significance of the heritage assets of the CA and the nearby listed buildings.
23. For the reasons above I conclude the proposal would fail to preserve or enhance the character or appearance of the CA and fail to preserve the setting of nearby listed buildings. It would also harm the visual amenity of the area. For Appeal C it would also conflict with Policies EN5 and EN6 of the Tamworth Local Plan. Collectively these seek to ensure high quality places are achieved across Tamworth, with particular attention paid to the enhancement of conservation areas, and that scale, form, height, massing, detailing and materials of the development respect the physical context to which it relates.

² under Section 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990.

Pedestrian movements (Appeal C)

24. George Street is wide and pedestrianised and there is no street furniture in the immediate vicinity of the site. As such pedestrians can walk where they like.
25. The submitted plans show the proposed 'Street Hub' would be positioned approximately 3.5m away from the nearest shop front it is outside of, and about 7.7m distance away from the shop fronts on the other side of George Street. Whilst it would be the only obstruction in the street at this point, and pedestrians would have to navigate around it, there would continue to be sufficient room for pedestrians, including those who are partially sighted, elderly or disabled or those with pushchairs, to see the structure and pass between the Street Hub and the shops in either direction along George Street.
26. From the evidence before me and what I saw on my visit I am satisfied that the Street Hub would not be a dangerous obstacle in the street and would not impede the free flow of pedestrians. Hence it would not adversely affect the safe movement of pedestrians.
27. Accordingly, there would be no conflict with Framework paragraph 112 which promotes, amongst other things, that priority is given first to pedestrians and that places are designed to minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

28. I have found the proposal would harm the visual amenity and the character and appearance of the CA and the setting of nearby listed buildings. The absence of harm to the safe movement of pedestrians carries neutral weight in my considerations. In relation to Appeal C there would also be conflict with the development plan and this harm outweighs any public benefits of the proposal. Accordingly, both Appeal C and Appeal D should be dismissed.

K Stephens

INSPECTOR

Appendix 1: List of linked appeals

	Appeal Case Reference	Site Location
Appeal A	APP/Z3445/W/22/3310033	Pavement o/s 2A Colehill, Tamworth
Appeal B	APP/Z3445/H/22/3310034	Pavement o/s 2A Colehill, Tamworth
Appeal C	APP/Z3445/W/22/3310035	Pavement o/s 30 George Street, Tamworth
Appeal D	APP/Z3445/H/22/3310036	Pavement o/s 30 George Street, Tamworth
Appeal E	APP/Z3445/W/22/3310037	Pavement opposite 12A Silver Street, Tamworth
Appeal F	APP/Z3445/H/22/3310038	Pavement opposite 12A Silver Street, Tamworth