



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: 13th November 2023

Appeal E Ref: APP/Z3445/W/22/3310037

Pavement opposite 12A Silver Street, Tamworth, B79 7NH

- 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 0312/2022, dated 13 July 2022, was refused by notice dated 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 F Ref: APP/Z3445/H/22/3310038

Pavement o/s 12A Silver Street, Tamworth, B79 7NH

- 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 0313/022, dated 13 July 2022, was refused by notice dated 9 September 2022.
 - The advertisement 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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Decision

1. Appeal E is dismissed.
2. Appeal F 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 E relates to the refusal of planning permission for the installation of a 'Street Hub'. Appeal F is against the refusal of advertisement consent for 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. In respect of Appeal F, 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

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

for Appeal F, I have taken into account policies cited in this appeal as a material consideration where relevant.

6. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and 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

7. Following the appellant's clarification of daytime and nighttime luminance levels of the proposed advertisements, the Highways Authority has no objection on highway safety grounds. The Council has subsequently confirmed that the refusal reasons relating to luminance are no longer relevant to both appeals. Therefore, there is no need for me to consider this matter further.
8. In light of the above, the main issue for Appeals E and F 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.
9. The main issue for Appeal E is the effect of the proposal on the safe movement of pedestrians.

Reasons

Character and appearance/visual amenity (Appeals E and F)

10. The appeal site occupies part of a wide pavement on Silver Street on the western edge of Tamworth town centre, within the CA, which comprises the town's older centre 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 hence derived principally from its architectural and historic interest reflecting the social and economic development and growth of Tamworth.
11. Silver Street itself is a short street with a short row of independent shops opposite the appeal site. Silver Street becomes Holloway at the end of Market Street, virtually opposite the appeal site. Holloway then becomes narrower and more intimate in scale as it passes historic buildings aligned close to the road, including an elevated terrace of attractive period residential properties, and continues downhill past Tamworth castle before terminating to traffic at the bridge over the river. As a result, Silver Street is quiet, less commercial and with a strong historic character and appearance. The seating benches and backdrop of trees around the appeal site positively contribute to this character and appearance despite the site being close to a busy traffic junction with Church Street/Lichfield Street.
12. There are a number of listed buildings in the vicinity of the site. Opposite the site is 1 Market Street (the former Peel Arms Hotel) on the corner of one of the main commercial streets. Adjacent to the site is 1 Silver Street, a Grade II listed former bank building, now offices that presents a blank elevation to the appeal site. There are other listed buildings further along Holloway including No.39 (The Castle Hotel) and the castle itself. These buildings are close to the

road creating an intimate relationship of buildings to the street scene. The individual listed buildings have their own specific historic and architectural interest as part of the evolution of Tamworth. However, in the context of this appeal their setting is primarily associated with their visibility as part of the street scene. Hence Silver Street and Holloway contribute to their setting by allowing an appreciation of their significance. The buildings also contribute to the character and appearance of the CA and its historic and architectural significance.

13. 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.
14. The area where the hub would be located is on a wide section of pavement that currently contains some seating benches, and a number of bicycle stands. There is also a telephone kiosk, which would be removed. There are trees behind that screen the residential tower blocks from low-level view to some degree and contribute to the spaciousness and quietness, despite the proximity of roads and traffic. The appeal site thus provides an opportunity to appreciate the heritage assets.
15. The proposed Street Hub would be placed between the two of the benches, dividing up the seating area. By reason of its size, height and its siting as a freestanding structure in between benches it would be a large and over dominant structure, even if relatively slender, and for those sitting on the benches the Street Hub would appear unduly overbearing. Furthermore, the large digital illuminated advertisement screens would draw attention to the presence of a large physical structure, which would stand out against the blank side elevation of 1 Silver Street and the trees behind. 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 a visual intrusion in this quiet part of the CA, which is largely devoid of commercial activity and shopfront signage. It would also be at odds with the prevailing historic character and appearance of Silver Street and Holloway.
16. As a result the proposed Street Hub would be unduly prominent in the street scene to the detriment of visual amenity. It would interfere and compete with the views of the nearby heritage assets, eroding the visual appearance of the buildings in the street scene, harming their significance, as well as the character and appearance of the street scene and the CA.
17. The existing kiosk on Silver Street, whilst being somewhat shabby in appearance, is a largely lightweight glazed structure with no advertisement illumination and which would have less bulk and mass and hence less visual impact in the street scene than the proposed Street Hub.

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 improved technology for making public phone calls, 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. Whilst the proposal would replace an existing telephone kiosk on the site as 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, or why the site of the other telephone kiosk is less preferable to the appellant.
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 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 E 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 E)

24. The proposed Street Hub would be positioned between two existing benches but turned at right angles to them. Pedestrians already walk in front of the existing telephone kiosk and benches. Whilst the width of the Street Hub would be wider than the depth of the benches, it would not extend significantly into the footway beyond the space of people sitting on the benches. The submitted plans show there would be approximately 4.2m between the edge of the Street Hub and the edge of the pavement with the vehicular carriageway.
25. Silver Street is a quiet street due to it terminating at the bridge and it is having only a few retail premises on the other side of the street, and hence is not a main commercial thoroughfare. During my visit, albeit a snapshot in time, I observed pedestrians crossing Silver Street from the end of Market Street and taking the pedestrian route beside the telephone kiosk towards the blocks of flats behind the site. During my visit I saw no one walk along Silver Street past the telephone kiosk or benches.
26. From the evidence before me and what I saw on site, I am satisfied there would continue to be sufficient room for pedestrians, including those who are partially sighted, elderly or disabled or those with pushchairs, to pass along Silver Street in either direction. Hence, the proposed Street Hub would not be a dangerous obstacle in the street scene, it would not impede the free flow of pedestrians and therefore it would not adversely affect the safe movement of pedestrians along Silver Street.
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 E there would also be conflict with the development plan and this harm outweighs any public benefits of the proposal. Accordingly, both Appeal E and Appeal F 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