

# DELEGATED REPORT

|                                         |                                                                                                            |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b>                  | <b>P/23/0284</b>                                                                                           |
| <b>Site Address:</b>                    | <b>Land Within Labour Club Car Park<br/>Court Street<br/>Merthyr Tydfil<br/>CF48 8DU</b>                   |
| <b>Development:</b>                     | <b>New digital advertisement hoarding comprising single illuminated LED 48-sheet advertisement display</b> |
| <b>Case Officer:</b>                    | <b>Rebecca Owens</b>                                                                                       |
| <b>Site Visit:</b>                      | <b>11th December 2023</b>                                                                                  |
| <b>Application Expiry Date:</b>         | <b>26th January 2024</b>                                                                                   |
| <b>Consultation reply date expired:</b> | <b>1st January 2024</b>                                                                                    |

## APPLICATION SITE

The application site relates to a parcel of land within the car park of a labour club and adjacent to a stone railway bridge with the highway known as Court Street located to the north, north west. The labour club which was formerly the Court House is Grade II Listed and comprises of the principal historic building and a modern extension. Moreover, the site is also located in the town centre conservation area and is within the outskirts of the town centre boundary. As such it is in an area characterised by commercial properties.

## PROPOSED DEVELOPMENT

Advertisement consent is sought for the erection of a digital advertisement hoarding which would comprise a single illuminated LED 48-sheet advertisement display. It would comprise a pressed metal frame (6.4m in width by 3.4m in height and 0.356m in depth) which would enclose the LED display (6m by 3m) and would present static images on rotation every 10 seconds. The digital hoarding would be mounted onto steel posts with the base of the frame at a height of 1.5m and thus giving the sign a maximum overall height of 4.9m above ground level. The new display would be operated remotely from a central location reducing vehicle trips for reposting.

## PLANNING HISTORY

Whilst there have been recent applications relating to the wider site none of these are relevant the determination of this application. However, it is acknowledged that advertisement consent was granted for a free standing 48 sheet advertisement panel on 1<sup>st</sup> July 1981 (Planning Ref: P/81/0371).

## CONSULTATION

The following bodies were consulted and their responses are presented below:

|                                |              |
|--------------------------------|--------------|
| Head of Engineering & Highways | No objection |
| Environmental Health Manager   | No objection |
| Amey Infrastructure for Wales  | No objection |

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

## POLICY CONTEXT

### National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

### National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

- In reference to historic assets, Paragraph 6.1.7 highlights *"It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way"*. In addition paragraph 6.1.9 notes *"Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"*.
- This is reiterated in reference to Listed Building with paragraph 6.1.10 stating *"There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses"*.
- In terms of conservation areas paragraph 6.1.14 notes *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised"*.
- With respect to advertisements in conservation areas, paragraph 6.1.15 states *"There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In*

*exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds”.*

#### Technical Advice Note 7 – Outdoor Advertisement Control (1996).

- With reference to advertisements in conservation areas paragraph 16 states *“Where an area is designated as a conservation area ‘... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’ in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements”.*
- Paragraph 17 also notes that *“Many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises may be expected, provided they do not detract from visual amenity. Local planning authorities should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest”.*
- With regard to advertisements and listed buildings paragraph 18 notes *“Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting”.*
- With respect to poster advertising section A4 states *“When poster-panels are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.”*
- With reference to free standing poster displays section A13 notes *“Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area. Large poster hoardings situated at the back edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming”.*
- In terms of poster adverts in conservation areas section A14 notes *“Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas though particular care, to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area’s architectural or historic features, is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the ‘group value’ of a number of buildings is outstanding”.*

#### Technical Advice Note 24 – The Historic Environment (2017)

- Paragraph 6.8 notes *“It is reasonable to expect that the local planning authority’s duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result, in practice, in more exacting standards when the authority considers whether to grant consent for a proposed advertisement in such an area”.*

- Paragraph 6.9 however recognises the importance of outdoor advertising to commercial activity and the impact that successful local businesses can have on maintaining premises in good repair and attractive appearance. It notes that *“In conservation areas it is important for local planning authorities to be flexible in their use of their powers under the Town and Country Planning (Control of Advertisements) Regulations 1992, because many areas include retail and commercial premises ranging from small corner shops to thriving commercial centres”*.

### Local Planning Policies

There are no specific policies contained within the adopted Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016 - 2031 pertaining to this type of application. However, the site is located within the town centre conservation area and adjacent to a Grade II Listed Building. As such Policy CW1: The historic environment is relevant.

### PLANNING CONSIDERATIONS

Part 1 4. (1) of the Town and Country Planning (Control of Advertisements) Regulations 1992 requires that in considering applications for the display of advertisements, local planning authorities shall exercise their powers only in the interests of amenity and public safety.

The application site is located within the outskirts of the town centre boundary but does not form part of the main high street. It is in an area where a number of commercial units are more sparsely located (but which include a large Tesco and Farm Foods store). As such there is a variety of signage visible within the vicinity of the site which relate to the retail and commercial premises and also an existing advertisement hoarding on the opposite side of Court Street. However, the site is also within the Town Centre Conservation Area and the curtilage of the listed Court Building. Thus, despite the commercial character of the area, it is not considered that the introduction of a large digital advertising hoarding, which is unconnected to any of the surrounding commercial units, would, be appropriate in this location. Its very purpose is to attract attention and its size, illumination and rotating images would represent an intrusive, insensitive and unnecessary addition to the conservation area whilst also adversely impacting on the setting on the listed building.

Whilst it is recognised that a hoarding sign has previously been placed in this location, its erection pre-dates the designation of the Town Centre Conservation Area and there is now a much stronger emphasis on protecting historic assets and the creation of place. In addition, it must be noted that the sign has not been in situ for a number of years, with its removal greatly improving the visual amenity of the area and the immediate setting of the listed Court Building which is also noted within the Town Centre Conservation Area Character Appraisal as a prominent building. Accordingly, this is not considered to be justification to allow an inappropriate digital sign in this location now.

Moreover, whilst some of the existing signage in the area is large and modern in appearance, they relate to the premises on or within which they installed and as such are viewed within the context of these buildings. The free standing hoarding is an exception to this but this does not positively contribute to the visual amenity of the area and is not justification to approve another large hoarding sign, particularly as the signage proposed would be in such close proximity to this sign.

This whilst the advantages of digital signage outlined in the supporting documentation is acknowledged, it is not considered that this is the appropriate location of an advertisement

of this kind and the proposal is therefore found to be contrary to Planning Policy Wales and Technical Advice Note 7.

With respect to public safety, the application has been the subject of consultation with the Head of Engineering and Highways who has raised no objection or suggested any conditions in respect of the submitted scheme. Having regard to this and due to the nature of the surrounding area, the signage would not have an adverse impact on highway safety. Similarly, Amey Infrastructure for Wales (AIW) have provided comments in relation to the application advising that they also have no objections to the advertisement. However, they indicate that there are some light combinations which can cause safety critical obscurities to the signalling lights for train drivers and as such have requested a meeting with the applicant. Similarly, they have advised that as the sign would be located next to AIW managed infrastructure, prior to any works beginning on site the applicant would need to engage with AIW Asset Protection. The applicant can be notified of the above via a suitably worded condition(s).

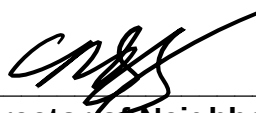
The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

**RECOMMENDATION: BE REFUSED for the following REASON:**

1. The proposal, by virtue of its siting, scale and illumination would result in a prominent, unsympathetic and visually intrusive advertisement which would have an adverse impact on the character and visual amenities of the Town Centre Conservation Area and the setting of the Grade II Listed Court House. Therefore it would fail to accord with Planning Policy Wales and Technical Advice Note 7: Outdoor Advertisement Control.

**RECOMMENDATION ENDORSED**

  
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 **Director of Neighbourhood Services**

**DATE: 18.01.2024**