

Appeal Decision

Site visit made on 7 March 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/Q0505/Z/16/3165714

Telephone Kiosk in front of 31 Fitzroy Street, CAMBRIDGE, CB1 1ER

- 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 New World Payphones against the decision of Cambridge City Council.
 - The application Ref. 16/1136/ADV, dated 16 June 2016, was refused by notice dated 2 November 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is allowed and express consent for the internally illuminated digital panel as integral part of telephone kiosk, as applied for, is granted. 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 and the following additional conditions:-
 1. The intensity of the illumination of the sign permitted by this consent shall be no greater than 280 candela per square metre during the period between 23.00 hours to 07.00 hours.
 2. The display panel of the advertisement hereby approved shall show only static images, no more frequently than once every ten seconds through a smooth fade.
 3. The advertisement hereby approved shall not contain associated noise.

Procedural Matter

2. The Council's officer report indicates that the replacement telephone kiosk that would incorporate the digital display panel would require planning permission. For the avoidance of doubt, this decision is confined to the advertising display.

Main Issue

3. The main issue is the effect of the proposal on amenity.

Reasons

4. The appeal relates to the provision of an internally illuminated digital display panel within a telephone kiosk, in replacement of two existing kiosks. The location of the appeal proposal is within a pedestrianised part of Fitzroy Street. It is reasonably close to the junction with City Road and The Kite Conservation Area, which is part of the larger Cambridge Central Conservation Area. At this point, the buildings on the northern side of Fitzroy Street are outside of the
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conservation area, but those on the southern side are within it, albeit the townscape analysis contained in The Kite Conservation Area Appraisal 2014 identifies them as buildings which detract.

5. In this context, the appeal site has a degree of sensitivity being close to the edge of the conservation area, albeit an area of detracting elements. However, this part of Fitzroy Street comprises mostly modern, twentieth century buildings, and the appeal site is close to a prominent entrance to The Grafton Shopping Centre. This modern commercial area is distinct from, and does not detract from, the amenity of the adjacent conservation area. The appeal site is seen more in the context of the modern retail and commercial premises that line either side of the street than a more historic setting.
6. Fitzroy Street is part of a busy pedestrian route which is lined with street furniture such as lighting columns, public benches, refuse and recycling bins, existing telephone boxes and well-used stretches of cycle racks. Although I have not been provided with details of any existing advertisements in the vicinity, illuminated signs are a feature of buildings nearby.
7. Although the advertising display panel would be quite large, the nature of its illumination, ambient light sensor and 'smooth fade' advert change would avoid creating visual intrusion, particularly given the context of the activity of this commercial street. Rather than creating visual clutter, it would appear as part of the existing managed street furniture, and would have a largely neutral effect on the visual amenity of this part of Fitzroy Street. Whilst I acknowledge the proximity to the conservation area, I do not find that its impact would be detrimental given the prevailing context and the array of street furniture and signage in the area. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions, but given the context, the character and appearance of the conservation area would be preserved.

Conditions

8. The Council has suggested a number of conditions. A time limit is one of the standard conditions, but a condition requiring compliance with the plans is not relevant when granting express consent for the display of an advertisement¹. Rather than impose an hours of operation limit, I consider it more appropriate to restrict the level of illumination during this period, and have applied the suggested condition of the Inspectorate. With some modifications to wording, I have attached the suggested controls on the nature of the display, in the interest of visual and aural amenity.

Conclusion

9. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity. I have taken into account Policies 3/4, 3/15 and 4/11 of the Cambridge City Local Plan 2006 in so far as they seek to protect amenity. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these policies, nor with those of the National Planning Policy Framework.

H Lock

INSPECTOR

¹ The purpose of such a condition is meant to facilitate applications under s73 for minor material amendments to a planning permission, as opposed to express consent.