
Appeal Decisions

Site visit made on 13 October 2020

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

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

Decision date: 10 November 2020

Appeal A Ref: APP/U2235/W/20/3254401

Adj Metro Bank, junction of Week Street and High Street, Maidstone ME14 1RN

- 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 JC Decaux (UK) Limited against the decision of Maidstone Borough Council.
 - The application Ref 20/500428/FULL, dated 29 January 2020, was refused by notice dated 4 May 2020.
 - The development proposed is described as 'the installation of a public payphone that will include an interactive public information screen and an illuminated sequential display. The unit is a communication hub that will enable the public to access online facilities and functions, including wayfinding, at no cost to the user. The hub will also be part of a Wi-Fi network that will facilitate access across the City.'
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Appeal B Ref: APP/U2235/H/20/3254317

Adj Metro Bank, junction of Week Street and High Street, Maidstone ME14 1RN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by JC Decaux (UK) Limited against the decision of Maidstone Borough Council.
 - The application Ref 20/500429/ADV, dated 29 January 2020, was refused by notice dated 1 May 2020.
 - The advertisement proposed is described as 'the installation of a public payphone that will include an interactive public information screen and an illuminated sequential display. The unit is a communication hub that will enable the public to access online facilities and functions, including wayfinding, at no cost to the user. The hub will also be part of a Wi-Fi network that will facilitate access across the City.'
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues with regard to Appeal A are the effects of the proposal on:
 - the character and appearance of the streetscene and the settings of the Maidstone Town Centre Conservation Area and the listed buildings at the junction of High Street and King Street;
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- pedestrian safety.
4. The main issue with regard to Appeal B is the effect of the advertisement on the visual amenity of the area and the settings of the Maidstone Town Centre Conservation Area and the listed buildings at the junction of High Street and King Street.

Reasons

Character and appearance and visual amenity

5. The proposed 'hub' would be some 2.63m tall and 1.34m wide in a simple, rectangular shape and finished in 'metal chain grey'. Its west-facing side would contain an advertisement screen measuring 1895mm by 1065mm displaying a sequence of static images. The hub would be located at the junction of Week Street, King Street and High Street in a busy part of the town centre.
6. The area immediately to the west of the proposed location of the hub is within the Maidstone Town Centre Conservation Area and there are a number of Grade II listed buildings around the junction, including 1, 3, 99 and 100 High Street, 1 and 3 Gabriel's Hill, 4-6 King Street and the Queen Victoria Statue. The Conservation Area takes in the historic core of the town centre and contains a high concentration of historic buildings which form strong street frontages. The hub would fall within the settings of these designated heritage assets.
7. Although the area is essentially commercial in character and contains modern, as well as historic, buildings, advertising is limited in extent and restrained in its size and siting. The area has also undergone recent improvements to the paving and street furniture which has given the public realm a coherent and fairly uncluttered appearance. That said, there are existing public telephones a short distance from the proposed hub location along King Street and Week Street.
8. Whilst the hub would be sited close to a lamppost, it would not be particularly well-related to existing street furniture or to the pattern and layout of the recently upgraded paving and, therefore, would add to the clutter in the streetscene. The form and appearance of the hub make little reference to nearby buildings, notwithstanding that it would be located close to the modern, glazed façade of the Metro bank building. The appellant argues that the height of the hub would be less than a standard shopfront. However, such shopfronts are generally integrated into a larger building, whereas the proposed hub would be a freestanding structure conspicuously located within a busy public thoroughfare.
9. By virtue of its height and width therefore, the hub would be an assertive and intrusive feature in the streetscene. This would be exacerbated by the advertisement screen in views from the west. The hub would be very prominent in views from King Street, High Street, the southern end of Week Street and the northern end of Gabriel's Hill. In particular, it would sit in the foreground of the otherwise notable views from King Street of the Nat West and HSBC Bank buildings and the Queen Victoria Statue. This view contributes to the significance of the Conservation Area and to the group of listed buildings around the High Street/King Street junction.
10. Consequently, I find that the proposed hub would have a harmful effect on the character and appearance of the streetscene and the settings of the Conservation Area and the listed buildings at the High Street/King Street junction. As such, it would conflict with Policies DM1 and DM4 of the Maidstone Borough Local Plan

2017 (LP). Amongst other things, these policies require development to respond positively to the local and historic character of the area, create high quality public realm and conserve heritage assets and their settings. Nor would the hub accord with LP Policy DM18 which requires the size, design, positioning, materials, colour and method of illumination of signage proposals to not be detrimental to the character and appearance of the area.

11. The appellant argues that the proposed hub would be accessible and constructed using sustainable materials. Nevertheless, those matters do not overcome my concerns regarding its effect on the character and appearance of the area. The appellant has also referred to National Planning Policy Framework (the Framework) paragraph 131 which deals with outstanding or innovative design. However, I am not persuaded that the design of the proposed hub meets the standard necessary to benefit from that provision.
12. The proposal would not accord with Framework paragraphs 192 and 193 which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and great weight to be attached to their conservation. The harm to the heritage assets would be less than substantial and Framework paragraph 196 requires this harm to be weighed against the public benefits of the proposal. I do this in the planning balance below. The proposal would not accord with sections 72(1) or 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and preserving the settings of listed buildings.
13. Having regard to its size and height the proposed advertisement would be an intrusive feature in the streetscene. Since there are few other freestanding advertisements in the area, it would also be incongruous. As such, it would have a harmful effect on visual amenity and the settings of the nearby heritage assets. I recognise that the level of night-time illumination of the screen would fall within the guidelines recommended by the Institute of Lighting Professionals and that this could be controlled by condition. Whilst this aspect of the proposal does not add to the concerns set out above, nor does it overcome them.
14. Consequently, the proposed advertisement would not accord with Framework paragraph 132 which advises that the quality and character of places can suffer when advertisements are poorly sited and designed. I have taken into account Policies DM1, DM4 and DM18 of the LP to the extent that they are material to the advertisement proposal. Given that I have concluded that the proposed advertisement would harm amenity, it would conflict with these policies.

Pedestrian safety

15. The proposed hub would be located in a busy part of the town centre with high pedestrian flows. The Council states that the proposal would reduce the pavement from an overall width of 8.6m to widths of 4.4m and 2m on either side of the hub. The appellant has not disputed these measurements. Nevertheless, the remaining gaps would still allow for a considerable volume of pedestrian movement and I note that the bus shelter a short distance along King Street reduces the pavement to a similar width. Whilst the hub would be located close to a pedestrian crossing, the paved area widens at this point and would allow a clear view of the carriageway beyond the road-side edge of the hub. Therefore, I find that the proposed hub would not pose an unacceptable risk to the safety of drivers or pedestrians. As such, it would not conflict with LP Policy DM1 insofar as it

requires proposals to safely accommodate vehicular and pedestrian movement. Nor would it be contrary to the aims of Framework paragraphs 91 or 102 which seek to ensure safe and accessible places and patterns of movement.

16. The Council found that the proposed advertisement would not pose a risk to public safety and I see no reason to disagree.

Planning balance

17. Paragraph 112 of the Framework supports the expansion of electronic communications networks and the appellant has drawn my attention to the Government's 'Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services'. However, these policies are primarily concerned with improving next generation mobile technology and the availability of full fibre connectivity. Whilst the appeal proposal would provide a public phone use and other functions including access to the internet and Council webpages and wayfinding, it is not clear how the facility would support the primary aims of the cited policies.
18. Moreover, although I have no reason to doubt that similar facilities have been provided in other places as described by the appellant, no firm evidence has been provided to show that there is a particular need in Maidstone town centre. I have already noted the presence of other public telephones close to the appeal site. There is also a map of the town centre and points of interest nearby. The appellant states that the proposal would complement the existing public WiFi service, but there is nothing to indicate that the service is deficient at present.
19. Therefore, I give limited weight to the public benefits of the proposed hub. The appellant has also referred to the advantages of digital advertising. However, the Regulations are clear that only amenity and public safety can be taken into account in the consideration of advertisement proposals.
20. Applying the test at Framework paragraph 196 therefore, I find that the public benefits of the proposal do not outweigh the less than substantial harm to the heritage assets which I have identified.

Other matters

21. The appellant's submissions set out the experience and capabilities of JC Decaux. Although I have no reason to doubt these credentials, my decision is based on the planning merits of the appeal proposals.

Conclusions

22. Whilst I have found that the proposed hub would not pose an unacceptable risk to safety, that does not overcome my concerns regarding harm to the character and appearance of the area and nearby heritage assets. For that reason, Appeal A should be dismissed.
23. For the reasons set out above in relation to visual amenity, Appeal B should be dismissed.

Simon Warder

INSPECTOR