



Appeal Decisions

Site visit made on 15 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal A Ref: APP/Q4625/W/20/3253813

O/s Natwest Bank, 4 High Street, Solihull B91 3TF

- 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 Mr Nathan Still - JCDecaux UK Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/00476/PPFL, dated 27 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is installation of electronic communication kiosk on the public footpath measuring: Height – 2.63 metres (m), Depth – 0.317m, Width – 1.34m, Finish – Metal Grey Chain.
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Appeal B Ref: APP/Q4625/H/20/3253562

O/s Natwest Bank, 4 High Street, Solihull B91 3TF

- 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 Mr Nathan Still - JCDecaux UK Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/00477/ADV, dated 27 February 2020, was refused by notice dated 15 April 2020.
 - The advertisement proposed was originally described as 'installation of electronic communication kiosk on the public footpath measuring: Height – 2.63 metres (m), Depth – 0.317m, Width – 1.34m, Finish – Metal Grey Chain'.
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Decisions

1. Appeal **A** and appeal **B** are both dismissed.

Procedural Matters

2. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the electronic communication hub and advertisement are inextricably linked in each case. Therefore to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on each site.
3. In respect of appeal **B**, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies

referred to by the Council have not by themselves been decisive for appeal **B**, I have taken them into account as a material consideration.

4. The application form related to both the application for planning permission and the application for consent to display an advertisement. Therefore, the same description was used to cover both elements of the application. In the case of the application for advertisement consent, I have assessed the proposal on the basis of the submitted details and description used on the Council's decision which refers to 'Installation of 86 inch advertisement located on the rear face of communications apparatus'.

Main Issues

5. The main issues for appeal **A** are whether the communication hub would preserve or enhance the character or appearance of the Solihull Town Centre Conservation Area (CA) and whether the proposal would have an acceptable relationship with highway safety.
6. The main issues for appeal **B** are the effect of the advertisement on visual amenity and on public safety.

Reasons

Proposed communication hub and advertisement

7. The proposed communication hub would include a telephony face and an advertised face hence why there are two appeals. The communication hub would have a side profile measuring some 0.317 metres (m) but would have a maximum footprint of approximately 0.917 m x 1.338 m when accounting for a projecting canopy to the telephony face. It would have a height of approximately 2.63 m. The communication hub would be multi-functional and the telephony side would include solar panel to the canopy, a 32 inch touch screen, a telephone handset, induction and USB charger, and a defibrillator.
8. The advertised face would incorporate an 86 inch (6 sheet) LCD screen and would form an integral part of the communication hub. The screen would have an ultra HD resolution designed to be visible outdoor in direct sunlight and featuring an automatic dim function. A series of static images would be displayed.
9. The drawings provided do not confirm the orientation of the communication hub. Accordingly, I have determined the appeals with reference to the position of the hub shown on the ordnance survey based plan and photograph annotated 'Illustration of proposal'.

Visual amenity including the character and appearance of the CA

10. The significance of the CA lies in the historic core of the town centre with its mix of traditional and contemporary architecture and variety of uses characterising the established layout of its buildings and streets. The appeal site is located close to the tree lined pedestrianised thoroughfare on High Street which is flanked by parades of mainly two and three-storey buildings often of domestic scale. This streetscape forms an integral part of the character and appearance of the CA.

11. At the time of my visit there was a high footfall in the area. Where High Street meets the junction with Station Road the pedestrianised footway is heavily populated by a wide variety of fixed features. These include trees, planters, bike stands, a street lamp, a litter bin, metal bollards, a digital information board, directional signage, a pole mounted surveillance camera and a vehicle barrier.
12. The electronic communication kiosk and advertisement would be positioned close to what is already a congested area in terms of existing street furniture. It would be particularly prominent on the approach towards the entrance of the Touchwood Shopping Centre when approaching from Station Road. Even accounting for the surrounding commercial context, the bulk, height and composition of the kiosk with its various components would be an obtrusive addition to an already visually cluttered entrance to High Street. Consequently, it would not preserve or enhance the character or appearance of the CA. The scale and illuminated, digital nature of the advertisement would draw further attention to the structure and would combine to have a negative effect on the quality and character of this vista.
13. S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I must pay special attention to the desirability of preserving the setting of the CA. Accounting for the position and scale of the electronic communication kiosk in the context of the wider setting of the CA, the proposal would result in less than substantial harm to the significance of the heritage asset. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal. Any benefits to the public in respect of the provision of access to online facilities and functions, including wayfinding would be likely to be limited and would not outweigh the less than substantial harm identified.
14. I conclude that the proposals would be harmful to the visual amenity of the area and would not preserve or enhance the character and appearance of the CA. The harm identified in respect of the electronic communication kiosk would be in conflict with Policies P15 (Securing Design Quality), P16 (Conservation of Heritage Assets and Local Distinctiveness) of the Solihull Local Plan (2013) (LP) and the National Planning Policy Framework which amongst other things require development proposals to conserve and enhance local character, distinctiveness and streetscape quality, create attractive uncluttered streets and public spaces and preserve or enhance heritage assets. These policies and guidance are also material to the consideration of the advertisement proposal insofar as they seek to protect the visual amenity of the area.

Highway / Public Safety

15. The number of existing features within the footway on High Street, close to the junction with Station Road, already make this section of the busy pedestrian thoroughfare a more awkward area for pedestrians to negotiate. The proposals would be a bulky addition to the street and would narrow the channel for pedestrian movement towards the Touchwood Shopping Centre. It would also obstruct those walking towards Poplar Road from Station Road potentially influencing users of the footway to step into the road. In combination with the vast array of existing obstacles within the footway close to the appeal site, the proposals therefore have the potential to further hamper pedestrian movement

at this location. This would be likely to be particularly hazardous for more vulnerable users of the footway including those who are less mobile or the visually impaired. For these reasons, I am more persuaded by the Council's position on this particular matter.

16. I conclude that the proposals therefore have the potential to have a detrimental effect on pedestrian safety in the highway. In respect of the electronic communication kiosk this would be in conflict with Policy P8 of the LP which amongst other things states that all development proposals should have regard to highway safety. This policy is also material to the consideration of the advertisement proposal insofar as it seeks to protect public safety.

Conclusion

17. For the reasons set out, both appeals **A** and **B** are dismissed.

M Russell

INSPECTOR