
Appeal Decisions

Site visit made on 5 September 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Appeal A Ref: APP/W0734/W/22/3300363

Footpath opposite Frade Charity Shop, Marton Road, Middlesbrough TS4 2PT

- 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 British Telecommunication PLC against the decision of Middlesbrough Council.
 - The application Ref 22/0015/FUL, dated 20 December 2021, was refused by notice dated 11 April 2022.
 - The development proposed is installation of a Street Hub.
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Appeal B Ref: APP/W0734/H/22/3300361

Footpath opposite Frade Charity Shop, Marton Road, Middlesbrough TS4 2PT

- 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 British Telecommunication PLC against the decision of Middlesbrough Council.
 - The application Ref 22/0006/ADV, dated 20 December 2021, was refused by notice dated 11 April 2022.
 - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the proposed Street Hub.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for installation of a Street Hub at the footpath opposite Frade Charity Shop, Marton Road, Middlesbrough TS4 2PT in accordance with the terms of the application Ref 22/0015/FUL, dated 20 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location/site plan MDB 204 Rev A; Existing and Proposed Views MDB-204; Street Hub Dimensions.
2. **Appeal B** is allowed and express consent is granted for two digital 75 inch LCD display screen, one on each side of the proposed Street Hub, as applied for. 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.

Preliminary Matters

3. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies and supplementary planning document referred to by the Council are not determinative, but I have taken these into account as a material consideration.

Main Issue

5. The main issue in both Appeals A and B are the effect of the proposals on the amenity and the character and appearance of the area.

Reasons

6. The Street Hub would be located within a wide area of public realm outside a small shopping parade. Currently within the vicinity are two telephone boxes positioned close to the kerb line, along with other items of street furniture including benches, litter bins, street lighting columns, bollards and a bus stop.
7. From the information before me, it seems clear that the Street Hub would be a replacement for both existing telephone boxes. Moreover, it would have a slender profile and smaller footprint thereby occupying less of the pavement. Its siting further from the kerb edge would also allow ease of movement around the structure, whilst remaining reasonably aligned with other street furniture and retaining a wide pavement in front of the shops. Consequently, there would be no increase in the amount of street furniture in this location and therefore no additional cluttering effect or disruption of pedestrian movements and desire lines.
8. The Street Hub would be taller than the existing telephone boxes and would contain digital advertising panels capable of displaying several static images over time. However, the road is not straight at this point and the Street Hub would be set well back from the edge of the main carriageway, behind other street furniture, and between two large trees, where it would not be prominent in views along Marton Road. It would also sit firmly within a commercial context which includes a wide range of signage. As such, neither the Street Hub, nor the digital displays, would be obtrusive elements in the streetscene.
9. For these reasons, I am content that the Street Hub could be assimilated into this streetscene without causing material harm to the visual amenity and the character and appearance of the area. The proposals therefore comply with Policies DC1 and CS13 of the Middlesbrough Local Development Framework Core Strategy (2008) (CS), in so far as they seek development that is compatible with its context, and which safeguards the character and attractiveness of the shopping areas. There is also compliance with the aims of Middlesbrough's Urban Design Supplementary Planning Document (2013) to avoid over cluttering of the public realm.

10. The Council's refusal notice also cites conflict with CS Policy REG20, but as this policy appears to relate to new town centre uses it is not directly relevant to the appeal scheme and I have not had regard to it.

Other Matters

11. The effect on highway and public safety did not feature in the Council's reasons for refusal. Given my findings that the Street Hub would not be prominent in views along Marton Road, I have no reason to take a different view.
12. There was however a suggestion from the Council that the proposals could potentially prejudice implementation of a future programme for public realm and highway improvements in the area. However, no specific details of the programme have been advanced and the timescales are unknown. In the absence of conclusive evidence, this matter has little bearing on my consideration of the appeals. In any case, the Council would likely retain some control as land owner and through its highways licensing procedures.

Conditions

13. For Appeal A, the standard time limit and approved plans conditions are imposed for certainty.
14. Appeal B is subject to the five standard advertisement conditions in the interests of safeguarding visual amenity and public safety.

Conclusion

15. For the reasons given, I conclude that both appeals should be allowed.

A Caines

INSPECTOR