



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/22/3300389

Footpath outside McDonalds, Linthorpe Road, Middlesbrough TS1 2JX

- 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 22/0018/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/22/3300388

Footpath Outside McDonalds, Linthorpe Road, Middlesbrough, TS1 2JX

- 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 22/0009/ADV, dated 20 December 2021, was refused by notice dated 11 April 2022.
 - The advertisement proposed is internally illuminated digital LCD screen to both sides of freestanding 'Street Hub' equipment.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. 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.
3. 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 Issues

4. The main issues in both Appeals A and B are the effect of the proposals on:
 - amenity and the character and appearance of the area; and
 - the safe or efficient movement of pedestrians.

Reasons

Character and appearance/visual amenity

5. The appeal site forms part of an area of public realm at a gateway to one of the main pedestrianised shopping areas within the town centre. The gateway location is framed by the buildings on either side, focussing views towards the more open area where the Street Hub would be located.
6. Within this context, the Street Hub would be a visually dominant feature. The scale, orientation, and dynamic nature of the digital advertisement panels, capable of displaying several static images over time, would draw further attention to the Street Hub. Furthermore, there is already an existing digital advertising unit of a similar size and nature just a short distance to the north of the appeal site. Having two similar digital advertising units in such close proximity would result in excessive visual clutter of signage within the public realm at this location. As such, even taking into account the busy commercial surroundings, the Street Hub and its digital displays would be an obtrusive addition to the streetscape at this particular location.
7. For these reasons, the proposals would significantly harm the visual amenity and the character and appearance of the area. Thus, there is conflict 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 conflict with the aims of Middlesbrough's Urban Design Supplementary Planning Document 2013 (SPD) to avoid over cluttering of the public realm.
8. 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.

Pedestrian movements

9. As set out above, the appeal site is part of a gateway into one of the main pedestrianised shopping streets in the town centre. I observed a very high and constant flow of pedestrians, and I am mindful that pedestrian flows are likely to be even higher at weekends.
10. Although the Street Hub would be positioned within the central zone approximately in line with other existing items of street furniture, I saw that this part of the street is where the pedestrian flows are less linear as people funnel into and out of the shopping area. Crucially, there is already a litter bin, sign post, and wayfinder sign that combine to create an awkward pinch point, impeding pedestrian movements at a key point of convergence/emergence. The proximity of the Street Hub to these existing obstacles would only serve to exacerbate this issue and further impair pedestrian movements, especially at times of peak footfall on this major shopping street.
11. For these reasons, the proposals would adversely affect the safe or efficient movement of pedestrians at this location. Thus, there is conflict with Policy CS13 of the CS, as well as the SPD, in so far as they seek to ensure the public realm and shopping areas are convenient, accessible, and uncluttered for all pedestrian users.

Other Considerations

12. I acknowledge the public benefits highlighted by the appellant, including ultrafast wi-fi access, direct emergency calls, public information displays, rapid charging, and also that the hub would be powered by green energy. I also recognise the economic and social importance of advanced, high quality and reliable telecommunications, and the support in the National Planning Policy Framework for the expansion of electronic communications networks. However, since there would be other Street Hubs as part of the wider strategic project in the town, this limits the weight I afford to the public benefits arising from this development, which in practical terms would only be modest. Furthermore, it has not been demonstrated that this is the only location and manner in which the development could take place.
13. In addition, whilst the proposals would lead to the removal of up to 4 no. existing telephone boxes within the pedestrianised area, freeing up some space on the pavement in the process, the benefits of doing so would be negated by the demonstrable harm arising from the proposed Street Hub. Furthermore, whilst the appellant intends to remove a number of other telephone boxes as part of its wider project in the town, this is not mitigation for the harm that would be caused in this location, and in any event, there is no mechanism before me to secure their removal.
14. My attention has been drawn to appeal decisions that relate to similar proposals. However, they are in different areas and with their own unique contexts so have limited bearing on my consideration of this appeal.

Conclusion

15. I have found that the proposals would be harmful to visual amenity and the character and appearance of the area, as well as to the safe or efficient movement of pedestrians. In relation to Appeal A, there would also be conflict with the development plan in these regards. This harm outweighs any public benefits that would arise. Accordingly, both Appeal A and Appeal B should be dismissed.

A Caines

INSPECTOR