



Appeal Decisions

Site visit made on 5 September 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal A Ref: APP/W2845/W/22/3310402 **Kingsley Park Terrace, Northampton**

- 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 Martin Brown (BT Telecommunications Plc) against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0590, dated 06 July 2021, was refused by notice dated 8 September 2022.
 - The development proposed is removal of existing BT phone box and installation of a proposed replacement BT Street Hub and associated display of advertisement to both sides of the unit.
-

Appeal B Ref: APP/W2845/Z/22/3310403 **Kingsley Park Terrace, Northampton**

- 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 Mr Martin Brown (BT Telecommunications Plc) against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0586, dated 06 July 2021, was refused by notice dated 8 September 2022.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the amended inLink unit.
-

Decision

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

Preliminary Matters

3. As set out above, there are two appeals on this site. Appeal A relates to a refusal for planning permission, and Appeal B relates to the Council's refusal to grant advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals together, except where otherwise indicated.
4. The Regulations stipulate that control may be exercised only in the interests of amenity and public safety. With respect to Appeal B, development plan policies are only relevant considerations insofar as they relate to such matters.

5. Since the Council issued its decisions, the Northampton Local Plan Part 2 2011-2029 (NLPP2) was adopted by the Council¹. The Council has confirmed that NLPP2 Policies Q1 (Placemaking and design), MO1 (Designing sustainable transport and travel), and MO2 (Highway network and safety) are now relevant to these appeals. These NLPP2 policies, so far as relevant to the proposals, have similar requirements to the submission version policies² referred to in the Council's decision notices. It is incumbent on me to take into account the most relevant and up to date policies in reaching a decision. I have therefore dealt with the appeals giving full weight to relevant NLPP2 policies.
6. During the appeals, the new revised National Planning Policy Framework (September 2023) (the Framework) has been published. From reading all the information submitted with these appeals, I am satisfied that the revised Framework carries forward the main policy areas from the earlier version (July 2021) as relevant to these appeals.

Main Issues

7. The main issues in respect of both appeals are:
 - The effect of the proposals upon the amenity of the area, with particular regard to the character and appearance of the area; and
 - The effect of the proposals upon public safety, with particular regard to pedestrian and highway safety.

Reasons

Character, appearance and amenity of the area

8. The Street Hub would be located on a wide section of pavement close to the junction of Byron Road and the A5123. The A5123 at this point is a busy highway within an urban area comprising a mix of commercial, residential and community uses. Adjacent to the site, the north-western side of the A5123 is characterised by shops, restaurants, takeaways, and other businesses at ground floor level, with residential premises above. These commercial premises advertise themselves with a mix of fascia signs, projecting signs, and awnings. A range of street furniture and apparatus are located within the wider street scene, including a phone box, a signalised pedestrian crossing, road signage, bins, and streetlights. Bus stops including advertisements are located to the north and south of the site adjacent to mature street trees.
9. The site is not within a conservation area, but the Grade II* Listed Church of St Matthew is located opposite the site at the junction of Collingwood Road with the A5123. The A5123 is relatively straight at this point and the wide pavements with mature street trees give the street scene a spacious and verdant character. Whilst the existing advertising in the area provides a commercial character to the surroundings, they do not override the spacious feel of the street and the expansive views along it. The site forms part of a prominent open expanse of pavement that contributes positively to the spacious feel of the street.
10. The existing phone booth to be removed has a static advertisement on one side and has been vandalised, giving it a somewhat dated appearance that detracts

¹ Adopted 23 March 2023

² Policy 2 (Placemaking) and 33 (Highway Network and Safety) of the NLLP2 Submission Version (Dec 2020)

from the street scene. The phone booth, however, does not catch the eye given it is substantially screened by the adjacent street tree and bus shelter. As such, the phone booth has a limited detrimental impact on the visual amenity of the street scene.

11. The proposed Street Hub would have a slender modern appearance, with facing materials of powder coated aluminium and glass. Whilst the contemporary design of the Street Hub represents an improvement on the existing phone booth, its position would be more isolated and prominent. The size, illumination and changing nature of the proposed displays would result in a far more visually intrusive structure than the existing phone booth.
12. I note that the proposed illumination of the displays would accord with guidance from the Institute of Lighting Professionals³. This could be secured by condition. However, this would still not overcome my concerns with regards to the intrusive visual effect of the proposals. The Street Hub and its digital advertisement displays would be a visually dominant and conspicuous form of development which would fail to respect the openness of the public realm and the spacious feel of the street.
13. Accordingly, the proposals would adversely affect the character, appearance and visual amenity of the area. The proposals would fail to comply with NLPP2 Policy Q1, Policy S10 of the West Northamptonshire Joint Core Strategy 2014 (JCS), and paragraph 136 of the Framework. Taken together, amongst other things, these policies require development to promote and contribute to good placemaking through high quality design, advising that the quality and character of places can suffer when advertisements are poorly sited and designed, taking account of cumulative impacts.

Public Safety

14. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety – for example, at junctions or pedestrian crossings. The PPG further advises that the main types of advertisements which may cause danger to road-users include those that are internally illuminated, subject to frequent changes of the display, and those which would confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal.
15. The A5123 is a busy main route into the town centre and a significant amount of pedestrian, cyclist and vehicular traffic is to be expected along the road. The proposed Street Hub would be sited 1m from the kerbside edge of the pavement, visible to both those travelling north and south along the A5123. The Street Hub would be located within close proximity to the junctions of the A5123 with Byron Street and Collingwood Road. Furthermore, road-users would experience a high degree of intervisibility between the Street Hub and the traffic signals of the pedestrianised crossing.
16. The high volume of traffic along the A5123, combined with the substantial numbers of pedestrians that could reasonably be expected to frequent the area, indicates that the pedestrian crossing is a location where a high level of concentration on the road is required. The prominent siting of the Street Hub

³ Institution of Lighting Professionals (ILP) guidance "The Brightness of Illuminated Advertisements" (PLG05, 2014)

close to the pedestrian crossing, in combination with its illumination and changing images, would cause undue distraction to road-users. This would increase the risk of accidents given the busy nature of the area and the proximity of two junctions. Road user distraction would be further exacerbated by the intervisibility between digital displays in the nearby bus stop and those of the proposed Street Hub.

17. The objection of the Local Highway Authority relates to the proposed brightness of the advert displays. The proposed illumination of the displays could be conditioned to accord with guidance from the Institute of Lighting Professionals. Furthermore, the frequency and speed of image change could also be restricted by condition. These controls would not, however, acceptably mitigate the increased harm to highways safety that would result from the proposals given the highway and pedestrian safety of the area is sensitive to road user distraction and confusion.
18. Accordingly, the Street Hub and its digital advertisement displays would unacceptably harm highway and pedestrian safety, detrimental to public safety. Consequently, the proposals would conflict with NLPP2 Policies MO1 and MO2, which taken together require, amongst other things, development to have no unacceptable impacts on highway safety. For the same reason, the proposals would also conflict with the Framework.

Other Matters

19. The development would upgrade an existing payphone. The Street Hub would be powered by renewable energy and designed for accessibility. It would provide free public Wi-Fi and device charging, and this would assist in addressing digital inequality. It could be used for contacting emergency services and there would be scope to collect data and monitor the environment. It would also provide 4G and 5G services, consistent with the Framework requirements regarding supporting high quality communications. However, given that this would only be one location, these public benefits would be limited and would be outweighed by conflict with Framework policies aimed at achieving highways safety and high-quality design sympathetic to the character of the area.
20. My attention is drawn to other appeals for ostensibly similar proposals which were allowed. There is very little information on any of these before me other than extracts of decisions. As such, I cannot be certain of the exact circumstances of these other developments and their relevance to these appeals, other than being of a similar type of development proposed. I have, in any case, reached my own conclusions on the proposals on the basis of the evidence before me.
21. The Council does not find the development would result in harm being caused to the setting of any Listed Buildings. I have had regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 that requires that I consider the impact of the development on the setting of the Grade II* Listed Church of St Matthew. I see no reasons to depart from the Council's assessment of this matter.

Conclusions

22. Taking all the above into consideration, Appeal A would be contrary to the development plan as a whole and there are no other considerations, including guidance in the Framework, which indicate that a decision should be made other than in accordance with the development plan. Moreover, for the reasons given above, Appeal B would be contrary to the Regulations.
23. Therefore, both Appeal A and Appeal B are dismissed.

S D Castle

INSPECTOR