
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/22/3310404 **Footpath on Weedon Road, 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/2021/0591, 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.
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Appeal B Ref: APP/W2845/Z/22/3310405 **Footpath on Weedon Road, 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/2021/0600, 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.
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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 the pavement on the northern side of Weedon Road, a busy highway within an urban area comprising a mix of commercial and residential uses. Adjacent to the site, the northern side of Weedon Road is characterised by shops, restaurants, takeaways, and other businesses at ground floor level, with residential premises above. The southern side of the highway is dominated by a large flat roofed bingo hall within a modern commercial building, and an attractive hipped roofed 2-storey brick building that serves as the club shop for the local professional rugby team. These commercial premises advertise themselves with a mix of fascia and projecting signs, many of which are illuminated.
9. A range of street furniture and apparatus are located on the pavement near to the site, including a phone box, a 2-sided metal framed paper advertisement hoarding, a signalised pedestrian crossing, road signage, bins and streetlights. Bus stops with two-way digital advertisement displays are located either side of the highway within the surrounding street scene. Although the pavement is relatively wide at this point, the cumulative effect of the various items of street furniture and apparatus give it a somewhat cluttered appearance.
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 from the street scene. The phone booth, however, does not catch the eye given its proximity to the adjacent metal advertising hoarding. As such, the phone

¹ Adopted 23 March 2023

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

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 more isolated position approximately 15m west of the phone booth would be significantly more prominent in the street scene. The size, illumination and changing nature of the proposed displays would result in a far more visually intrusive structure than the existing phone booth. The incremental impact of the Street Hub would, therefore, be to extend the length of pavement that is dominated by structures containing adverts. The resulting combined visual effect of these structures and their adverts would be excessively visually intrusive to those travelling along Weedon Road.
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 Street Hub and its advertisement displays when considered cumulatively with other nearby street furniture, apparatus, and adverts. Whilst adverts form part of the commercial character of the area, the proposals would result in a harmfully excessive proliferation of eye-catching structures in the area.
13. Accordingly, the Street Hub and its digital advertisement displays 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. Weedon Road is a busy main route into the town centre. The commercial uses surrounding the site, including the rugby stadium, would generate a significant amount of pedestrian, cyclist and vehicular traffic along the road. The proposed Street Hub would be sited close to the kerbside edge of the pavement, visible to both those travelling west and east along Weedon Road. Adjacent to the site, the highway is two lanes wide eastward, and a single lane wide travelling

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

west. The Street Hub would be located within approximately 10m of the signalised pedestrian crossing located to the west of the site. Road-users would have a high degree of intervisibility between the digital advertisement displays and the traffic lights.

16. The high volume of traffic along Weedon Road, 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 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. Road-user distraction would be further exacerbated by the intervisibility of the digital displays in the nearby bus stops 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 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.

Conclusions

21. 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.
22. Therefore, both Appeal A and Appeal B are dismissed.

S D Castle

INSPECTOR