



Appeal Decision

Site visit made on 15 November 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2023

Appeal A Ref: APP/W1525/W/23/3314788

Footpath outside H. Samuel (81), High Street, Chelmsford, CM1 1DX

- 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 BT Group PLC against the decision of Chelmsford City Council.
- The application Ref 22/01831/FUL, dated 20 September, was refused by notice dated 22 November 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/W1525/H/23/3314791

Footpath outside H. Samuel (81), High Street, Chelmsford, CM1 1DX

- 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 BT Group PLC against the decision of Chelmsford City Council.
 - The application Ref 22/01832/ADV, dated 20 September 2022, was refused by notice dated 22 November 2022.
 - The development proposed is installation of two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Decision

Appeal A Ref: APP/W1525/W/23/3314788

1. Appeal A is dismissed.

Appeal B Ref: APP/W1525/H/23/3314791

2. Appeal B is also dismissed.

Preliminary matters

3. As set out above, there are two appeals on this site. Appeal A relates to the physical structure and Appeal B to the advertisement display that it would carry. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The BT Street Hub proposed in Appeal A would be a freestanding rectangular sign, 2.9m tall, with a width of 1.2m and a thickness of 0.3m, having a portrait orientation. The application description of the development refers to it as a replacement for an existing BT phone box, following its removal. However, at my site visit it was evident that there is no phone box currently on the site, and no signs within the paving of the site and its surroundings to suggest that there

has been a phone box here during the lifetime of the present paving, public seating and other features of street furniture in the immediate public realm.

5. The advertisement display, subject of Appeal B would be on both sides of the BT Street Hub dealt with in appeal A. It would feature the following characteristics: Screen Panel Type: LCD, Screen Dimensions: 95cm wide x 167cm high (75 inch in portrait), Screen Area: 1.586m, Resolution: 3840 x 2160 UHD, Maximum Daytime Brightness: 2500 cd/m² (Typ.), Maximum Night-time Brightness: 600 cd/m² (Typ.), Contrast Ratio: 1200:1 (Typ.), Display Colours: 10bit (D) 1.07 Billion Colours, Viewing Angle: 178/178 degrees, Lamp Type: LED, Operating Temperature: 0 ~ 50 °C, Sunlight Readable.

Main Issue

6. The main issue in these cases is the effect of the proposed developments on the character and appearance of the Central Conservation Area and setting of adjacent listed buildings.

Reasons

7. The proposed Hub would be located within Half Moon Square, west of 17 High Street, opposite H. Samuel and Superdrug retail stores, and adjacent to a footpath leading to Bond Street and an entrance to the High Chelmer shopping centre. It would be located in the middle of the footway that leads up towards Tindall Square and the northern half of the High Street. The site lies within the Central Conservation Area and adjacent to a group of listed buildings (11, 13-14, 15 and 16-17 High Street). The views up the High Street are towards Shire Hall which is grade II* listed. The other listed buildings adjacent to the location date from the fourteenth century to the early nineteenth century and the High Street and Half Moon Square form part of their setting.
8. Since the appeal site is within the setting of listed buildings and is within the Central Conservation Area, I am required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*, and section 72(1) to have regard to the general duty *"....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
9. I am told that Half Moon Square was created as part of a City Centre Public Realm Improvement Scheme and was constructed in 2016-17. Key principles of the scheme were to clear clutter to make the space as accessible and inviting to a full range of users, improve and clear pedestrian desire lines and improve the aesthetic quality of the space, to open up views along the High Street, including the vista north towards Shire Hall, and to connect and appreciate the historic buildings along the High Street, many of which are designated heritage assets, with the space.
10. From what I experienced during my site visit, these principles have been met. It is now a high quality pedestrian space with modern retail facilities, visually satisfying and historically interesting. The Square has an absence of street clutter that is frequently found in shopping centres, and fixtures such as the seating have been carefully sited so that there remains room for shoppers to criss-cross the area along the various desire lines. The provision of outdoor

seating which serves a number of the local restaurants and cafés during the spring and summer months, already reduces the available space of the pedestrian area at such times, but these directly serve, not only the customer, but the city centre businesses that are the provider. The apparent vitality and vibrancy of this shopping centre is in marked contrast to many town centres that I have experienced in recent times.

11. In this setting, the hub would stand out as markedly contrasting with the carefully designed public realm just described. Contrast can sometimes provide a welcome juxtaposition, but in this case it would be a standalone intrusion, unlike the shopping facades, modern as they are, which have a critical importance to the role and character of the area. From what I understand, the hub would replace previously removed clutter.
12. This unfortunate relationship would be increased by the brightly illuminated revolving advertisements that would be a continuing source of distraction. These would attract the eye of passing shoppers, and those using the seating, away from the shopfronts, the uppers storeys of the buildings, a number of which are of architectural interest, and the heritage assets in the area. It would add visual clutter to the physical clutter of the hub itself.
13. These factors lead me to the view that the proposed hub and its integral advertisement display would be detrimental to the fundamental role of Half Moon Square and the High Street that would amount to 'less than substantial harm' as set out in paragraph 199 of the National Planning Policy Framework (the Framework). Framework Paragraph 202 continues; *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
14. In terms of public benefit, among other things, the hub would provide wireless access to the internet for nearby pedestrians and would also act as an information point. It would provide USB charging points, a touchscreen tablet for council services and free landline and mobile calls. The advertising displays would also be available to the Council or other organisations to display local information, with the Council having access to free advertising.
15. These features would obviously bring public benefits, but of less importance than in recent times past. This is because the City Centre already has 4G and 5G coverage, mobile phones and devices are an almost universal possession, and many business premisses in the area provide free wifi connectivity. As for the advertising, that which is most important would relate to local shops and services, which are readily able to draw attention to their services through shop front and business premises displays. I have concluded that the advertisement would be more of a distraction than a public benefit.
16. I have also borne in mind that the BT Hub is an award-winning design, created by urban design firm Antenna, led by Masamichi Udagawa whose work is displayed in the Museum of Modern Art in New York. But an object that has been beautifully designed may still appear an out of place intrusion.

Conclusions

17. On the basis of the matters that I have dealt with above, the planning balance clearly leads to the conclusion that the proposed hub and its illuminated advertisement would have an adverse effect on the character and appearance of the Central Conservation Area and the setting of adjacent listed buildings, that amounts to less than substantial harm. This degree of harm is not outweighed by the public benefits that they would bring. The hub and the advertisement would thus be contrary to Policies SPS3, DM13 and DM23 of the Chelmsford Local Plan and to the policies of the Framework, particularly paragraphs 126, 136, 199 and 202. For these reasons both appeals will be dismissed.

Terrence Kemmann-Lane

INSPECTOR