

Appeal Decision

Site visit made on 2 May 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal A Reference: APP/W1525/W/24/3338617

Land at the pavement outside number 81 High Street, Chelmsford, Essex

- 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. N. Still (Infocus Public Networks) against the decision of Chelmsford City Council.
 - The application (reference 23/01801/FUL, dated 9 November 2023) was refused by notice dated 8 January 2024.
 - The development proposed is described in the application form as follows: "the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement".
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Appeal B Reference: APP/W1525/Z/24/3338620

Land at the pavement outside number 81 High Street, Chelmsford, Essex

- 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 Mr. N. Still (Infocus Public Networks) against the decision of Chelmsford City Council.
 - The application (reference 23/01801/FUL, dated 9 November 2023) was refused by notice dated 8 January 2024.
 - The advertisement proposed is described in the application form as follows: "a single portrait display the size of a siz [sic] sheet advertisement that is internal lit lcd screen and used to display static images that change every ten seconds".
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Decision

1. The planning appeal (Appeal A) is allowed and planning permission is granted for "the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement", on the pavement outside number 81 High Street, Chelmsford, Essex, in accordance with the terms of the application (reference 23/01801/FUL, dated 9 November 2023), subject to the conditions that are set out in the attached Schedule of Conditions.
2. The advertisement consent appeal (Appeal B) is allowed and express consent is granted for the "installation of one internally illuminated digital LCD display screen", on the multifunctional communication 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 and the additional conditions that are set out in the attached Schedule of Conditions.

Preliminary points

3. Notwithstanding the descriptions of the proposed development and the proposed advertisement that were given in the combined application form, the nature of the proposed development and the advertisement can more clearly and succinctly be expressed as set out in the Council's decision notices and the appeal forms. Thus, the development for which planning permission is sought is "the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement", while the advertisement for which advertisement consent is sought is the "installation of one internally illuminated digital LCD display screen".

Main Issue

4. The main issue to be determined in the planning appeal (Appeal A) is the effect of the proposed development on the character and appearance of the surroundings.
5. In relation to the advertisement consent appeal (Appeal B), the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the Development Plan may be a material consideration but cannot be determinative. Only passing references are made in relation to safety issues in the submissions; thus, the main issue to be determined in the appeal is the visual impact of the proposed advertisements on the character and appearance of the surroundings.

Reasons

6. The proposed development, with its advertising, would be located in the busy commercial centre of the City of Chelmsford. This part of the High Street is pedestrianised, with extensive paved areas serving shops and other commercial premises.
7. The buildings are mixed in scale and type. Some are large modern buildings but many are more historic, including a group of buildings that are statutorily listed as building of special architectural or historic interest and other buildings that are included on the Councils Register of Buildings of Local Value (and therefore are considered to be non-designated heritage assets). Moreover, the locality is within the Chelmsford – Central Conservation Area.
8. The pavement area at Half Moon Square, where the "multifunctional communication hub" is proposed to be located, is a wider open area that links High Street and Tindal Street. The hub would be sited outside number 81 to the north, which is a relatively modern building (occupied by a retail trader) in contrast with the bank to the south (identified as number 77-81). Many of the buildings to the east are listed (Grade II) but the High Chelmer shopping centre to the west is obviously very modern in appearance and large in scale.
9. The proposed hub would be a free-standing feature, relatively small in scale in the streetscene but contemporary in appearance and incorporating a communication apparatus and a publicly accessible defibrillator for use in emergencies. It would also incorporate a digital screen advertising display.

10. One of the aims of the 'National Planning Policy Framework' is "achieving well designed places" in the broadest sense (notably at Section 12) and it points out that "the quality and character of places can suffer when advertisements are poorly sited and designed", while recognising that the control regime ought not to be unduly onerous. At the same time, the Framework has the aim of supporting high quality communications, notably at Section 10, recognising the importance of an "advanced, high quality and reliable communications infrastructure".
11. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the setting of the listed building, among other things. Other provisions in the Act require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
12. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving or enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
13. The national planning policies are reflected in the 'Chelmsford Local Plan' (which was adopted on 27 May 2020). Policy DM23 is a general design policy which seeks to encourage high quality design that respects the character and appearance of the area in which it is located and is compatible with its surroundings. More specifically, Strategic Policy S3, and Policies DM13 and DM14 seek to protect and enhance both designated and non-designated heritage assets and their settings.
14. The criticisms that have been made of the proposed "multifunctional communication hub" identify concerns about its modern design and its size. The surroundings in the Chelmsford – Central Conservation Area are mixed in character, however, reflecting the City's evolution over the centuries. In my view, the contemporary design of the hub would not be out of place in this context, as the City centre continues to adapt and evolve. Nor would it add significantly to urban "clutter" in the High Street.
15. Half Moon Square is a substantial open space and the proposed hub would be sited to one side of the Square rather than in the centre. It would be located in a well-used part of the pedestrianised central area but it would not create a hazard to pedestrians in my opinion. The visual backdrops for different views of the proposed installation have been considered (as explained in the representations), and I am convinced that it would not appear to be unduly large or intrusive, in spite of the uses to which the Square may be put, including as a marketplace.
16. Of course, the new display would be illuminated but that would not be out of place in a bustling city centre and limitations have been proposed to control the level of illumination and the hours during which it may be switched on. This would help to maintain the character of the area.

17. In short, I am persuaded that the proposed hub would be in harmony with its surroundings and that it would not harm the character or appearance of the Conservation Area or the setting of other heritage assets, including nearby listed buildings and other buildings that are "non-designated" heritage assets.
18. I accept that the provision of a publicly accessible defibrillator in this location would provide only a modest public benefit (since other apparatus can be found nearby), while the economic benefits of the project would also be limited. On the other hand, I am not convinced that the scheme would cause material harm to the character and appearance of the surroundings.
19. I have concluded that the project would not be in conflict with national or local planning policies (including the Development Plan). The proposed advertisement would not cause material harm to visual amenity or to public safety. In short, I am persuaded that the scheme before me can properly be granted both planning permission and advertisement consent. In reaching my conclusions I have considered all the matters that have been raised in the representations, including references to other sites or installations, but I must judge this case on its own merits and in its specific context. I have found nothing to cause me to alter my decisions.
20. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). In particular, I have concluded that conditions are necessary, to define the planning permission and the advertisement consent and to ensure that quality is maintained. Moreover, the advertisement consent is subject to the five standard conditions which do not need to be repeated in this Decision.
21. In addition, I accept the Council's suggestion that the level of illumination should be defined, for the reasons given, and I note the appellants' proposal to limit the hours of illumination, in order to preserve tranquillity at night. Conditions to this effect are applied to both approvals but I do not find that any further conditions are needed.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

APPEAL A (PLANNING APPEAL)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, as submitted to the local planning authority:
Site Plan; Block Plan; Images; Sustainability Info; Unit Management Plan/4 - June 2023; Hub Unit Specification; City Distribution Details; Heritage Statement/8th Sept 23; Smart Hub/Forum Unit Proposals; Screen Details / Images; Hub Management Plan.
3. The illumination of any advertisement displayed or any site used for the display of advertisements shall not exceed 600 candelas per square metre.
4. No advertisement displayed shall be illuminated between the hours of 0000 (midnight) and 0600 the following morning.

APPEAL B (ADVERTISEMENT CONSENT APPEAL) (in addition to the Standard Conditions)

1. The illumination of any advertisement displayed or any site used for the display of advertisements shall not exceed 600 candelas per square metre.
2. No advertisement displayed shall be illuminated between the hours of 0000 (midnight) and 0600 the following morning.