



Appeal Decisions

Site visit made on 5 September 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal A Ref: APP/W1525/H/23/3333319

Pavement Outside 217 Moulsham Street CM2 0LR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks against the decision of Chelmsford City Council.
 - The application Ref is 23/01406/ADV.
 - The advertisement proposed is a single portrait display the size of a six sheet advertisement that is internal lit LCD screen and used to display static images that change every ten seconds.
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Appeal B Ref: APP/W1525/W/23/3333317

Pavement Outside 217 Moulsham Street CM2 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks against the decision of Chelmsford City Council.
 - The application Ref is 23/01405/FUL.
 - The development proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decision

1. Appeal A and Appeal B are dismissed.

Applications for Costs

2. Applications for costs in relation to both appeals have been submitted by Chelmsford City Council against Mr Nathan Still of Infocus Public Networks and are the subject of separate decisions.

Preliminary Matters

3. Appeals A and B relate to the same proposal. They differ only insofar as Appeal A relates to an application for express advertisement consent and Appeal B relates to an application for planning permission. While I have determined each appeal against its specific considerations, I have dealt with issues common to both appeals together in the interests of conciseness and to avoid duplication.
4. The appeal site is within the Baddow Road and River Can Conservation Area (the CA) and near to No 216 Moulsham Street, which is a Grade II listed building (the LB). Accordingly, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

5. The relevant Regulations, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) all make clear that advertisements should be subject to control only in the interests of amenity and public safety.
6. Therefore, the main issue in relation to Appeal A is the effect of the proposed advertisement on visual amenity, bearing in mind the extent to which it would preserve or enhance the character or appearance of the CA, and the special attention that should be paid to preserving the setting of the LB.
7. The main issues in relation to Appeal B are:
 - the effect of the proposed development on the character and appearance of the area, bearing in mind the extent to which it would preserve or enhance the character or appearance of the CA, and the special attention that should be paid to preserving the setting of the LB; and
 - the effect of the proposed development on highway safety, with specific regard to pedestrian movement.

Reasons

Visual amenity, character and appearance

8. The CA is one of several conservation areas within and around Chelmsford city centre. It is a bustling, predominantly commercial area with shops, restaurants and other public amenities arranged along vehicular and pedestrianised streets, most of which appeared vibrant with high footfall.
9. The built environment of the CA is diverse, featuring numerous historic buildings, many of them listed, standing side by side but differing in form and scale. Alongside these historic structures, a significant portion of the area consists of more recent development dating from the 20th century onward. Insofar as is relevant to the appeal, the significance of the CA is derived from its vibrant city centre atmosphere, high pedestrian traffic, and the contrasting blend of traditional and modern architecture.
10. To the west of the appeal site is the LB, which dates to around 1700. This 2-storey building has a pitched roof with flat-topped dormer windows to the attic level, and the ground floor currently serves as a shop. It is adjacent to a more modern building of similar scale and proportions, offering a contemporary interpretation of the LB's traditional appearance. The LB's special interest, insofar as is relevant to the appeal, lies in its contribution to the historic character of the city's commercial core and its prominence within a busy area.
11. The decision notices for both applications reference a locally listed building at No 12-23 Moulsham Street, though this appears to be a typographical error, as the officer reports and other evidence refer to No 12-13 Moulsham Street. I observed it to be an attractive corner building with period detailing, and its most prominent elevations face the appeal site. However, aside from the officer report, I am provided with limited evidence to substantiate its status as a locally listed building. While I attach limited weight to its status as a non-

designated heritage asset, it still positively contributes to the significance of the CA.

12. The appeal site is located within a heavily trafficked pedestrianised area, adjacent to both a signalised road crossing of the A1060 Parkway and a pedestrian underpass. It serves as a key convergence point for pedestrians moving northbound from the road crossing, southbound from the city centre shopping area, and westbound from the underpass.
13. The proposed installation would be an upstanding rectangular structure positioned centrally within the pedestrianised zone. Its south facing side would feature an 86-inch LCD screen in portrait layout to display advertisements, commercial and community information. The north facing side would include a telephone handset, 32-inch touchscreen to provide access to local websites and wayfinding, facilities for wired and wireless charging, an accessible touchpad, an emergency call button and a defibrillator, all of which would be covered by a projecting canopy with a solar panel. Additionally, it would provide free Wi-Fi.
14. Currently, the pedestrian thoroughfare in and around the appeal site has few obstructions, aside from low-level bollards and a slimline directional sign. The proposed structure, however, would dominate the existing spacious environment and appear incongruous among its surroundings. The wide elevations featuring the advertisement and the communication apparatus would be the most visible from key viewpoints. Although the side profile would be slimmer, its bulk would be exacerbated by the canopy and communication apparatus.
15. The large advertisement screen, facing south, would be highly visible to pedestrians approaching from the signalised crossing and to road users. It would also be seen from the LB, and stand out prominently in views of the LB from various surrounding vantage points. Although the area is predominantly commercial, with bright and vibrant shopfronts, the external space is generally uncluttered. The proposed installation, due to its size and illumination, would reduce this sense of spaciousness, introducing a dominant and intrusive element to the streetscape. As a result, it would detract from the special interest of the LB, resulting in harm to its setting and the significance of the wider CA.
16. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my findings above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of heritage assets. The appellant contends that the public benefits would include the aforementioned features incorporated into the installation, which would be free to use, as well as the opportunity for public information and community messages to be conveyed through the advertisement screen. They also argue that the proposal would

support the objectives of the Framework in delivering high quality and reliable communications infrastructure.

18. While these facilities would offer some public benefit, the level of those benefits is limited by the scale of development. Additionally, with a defibrillator already located very close by, the value of this feature is further diminished. As a result, the public benefits carry limited weight and would not outweigh the harm to the CA and the setting of the LB, given the great weight that must be given to their conservation.
19. For the reasons given, I conclude that the proposal would harm the visual amenity, character and appearance of the area, and would fail to preserve the significance of the CA and the setting of the nearby LB. Accordingly, the proposal would conflict with Policies DM13, DM23 and SPS3 of the Chelmsford Local Plan – Our Planning Strategy 2013-2036 – Adopted 27 May 2020 (the CLP). Together these policies seek, in respect of this issue, to conserve and enhance the historic environment, to consider the effects of development on designated heritage assets in line with the provisions of the Framework, and to deliver high quality and inclusive design. The proposal would also conflict with the relevant provisions of the Framework, the aims of which have previously been set out.

Highway safety

20. The area surrounding the proposed installation is currently open and spacious, providing ample room for pedestrian movement. While the proposal would introduce a minor obstruction, pedestrians would only need to make a small deviation to another part of the generous pedestrian-only zone to avoid it, and this would not conflict with any highways used by vehicular traffic. Therefore, the effect on movement would be minimal and would not compromise the safety of pedestrians using the public highway.
21. Accordingly, I conclude that the proposal would not harm highway safety. In respect of this issue, it would accord with Policy DM23 of the CLP, which requires development to create safe and accessible environments.

Conclusion

22. For the reasons given above, although I have identified no harm in respect of highway safety with relevance to Appeal B, the proposals subject to both appeals would fail to accord with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. For these reasons, I conclude that Appeals A and B should both be dismissed.

P Storey

INSPECTOR