



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: 8 October 2024

Appeal A Ref: APP/W1525/H/23/3333307

Pavement Outside 19 Springfield Road CM2 6JE

- 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 23/01404/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/23/3333312

Pavement Outside 19 Springfield Road CM2 6JE

- 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 23/01403/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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Decisions

1. Appeal A is allowed and express consent is granted for 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, at Pavement Outside 19 Springfield Road CM2 6JE, in accordance with the terms of the application Ref 23/01404/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.
2. Appeal B is allowed and planning permission is granted for the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement, at Pavement Outside 19 Springfield Road CM2 6JE, in accordance with the terms of the application Ref 23/01403/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

A02340 – Communication Hub Proposal, Site 4 o/s/ 19 Springfield Rd CM2 6JE – Site Plan and Images

Appendix B – Communication Hub Proposal, Hub Unit Specification

Preliminary Matters

3. Appeals A and B concern the same proposal, differing only insofar as Appeal A relates to an application for express advertisement consent and Appeal B relates to an application for planning permission. Although I have determined each appeal based on its specific considerations, I have dealt with issues common to both appeals together in the interests of conciseness and to avoid duplication.
4. The Council's decision notice for Appeal A states that the appeal site is within the Baddow Road and River Can Conservation Area and near both a Grade II listed building and a locally listed building. However, the decision notice for Appeal B indicates that the appeal site is outside, but adjacent to, the Central Conservation Area and close to Grade II listed buildings within Grays Yard. The submitted evidence confirms the accuracy of the details in the Appeal B decision notice. Therefore, the references to conservation areas and listed buildings in the Appeal A notice appear to be inaccurate. In respect of this issue, my decision is based on the details provided in the Appeal B notice.
5. Given the appeal site's proximity to the Central Conservation Area (the CA) and the Grade II listed buildings in Grays Yard (the LBs), I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

6. The 2007 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.
7. Therefore, the main issues in relation to Appeal A are 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 setting of the CA, and the special attention that should be paid to preserving the setting of the LBs; and
 - public safety, with specific regard to pedestrian movement.
8. 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 setting of the CA, and the special attention that should be paid to preserving the setting of the LBs; and

- highway safety, with specific regard to pedestrian movement.

Reasons

Visual amenity, character and appearance

9. The appeal site is located on a pedestrianised street within the busy commercial and shopping core of Chelmsford city centre. Springfield Road runs roughly east to west, crossing the River Chelmer, which lies to the west of the appeal site.
10. The CA is one of several conservation areas within and around the city centre, with its eastern boundary formed by the River Chelmer. As a result, while the appeal site and its immediate surroundings lie outside the CA, the closest buildings on the opposite side of the river are within it.
11. The CA encompasses the city centre's main commercial and retail core, centred on the pedestrianised High Street and its surrounding streets, which offer a mix of pedestrianised and vehicular routes. The area features an eclectic blend of buildings and architectural styles, with traditional historic buildings standing alongside more modern development from the 20th century onwards. Its significance, as is relevant to the appeal, is derived from its role as the commercial and retail heart of the city, as well as the diversity of its built environment.
12. The LBs of Grays Yard date predominantly from the 19th century and were part of the former Grays Brewery. These buildings, clustered around a courtyard opening on to Springfield Road, have largely been repurposed as bars, restaurants and cafes with outdoor seating in the courtyard. Constructed primarily of brick, the LBs display functional design features indicative of their former brewery use, such as small arched windows and the distinctive conoid roof to the former hop kiln. No 5 Springfield Road, a former public house at the southwest corner of the courtyard, further contributes to the collective special interest of this group of LBs, which is rooted in their traditional industrial architecture and the visual link they provide to the area's historical context.
13. The pedestrianised Springfield Road is reasonably wide and features several structures and items of street furniture positioned centrally, including trees, benches, bollards, directional signs and bins. During my visit, I noted that the unit directly to the north of the appeal site had an outdoor seating area for eating and drinking, with a single row of tables and chairs tightly arranged against the external wall along Springfield Road, ensuring they did not extend significantly into the pedestrian area.
14. The buildings adjacent to the appeal site on the eastern side of the river appear to date from the 20th century onwards, with ground floors occupied by eateries and bars featuring large, glazed facades facing Springfield Road. These establishments likely operate into the evening, contributing to the inherent levels of illumination and activity in the area.
15. The proposed installation would be an upstanding rectangular structure, centrally located within the pedestrianised zone. The east-facing side would comprise primarily of the LCD advertisement, while the west-facing side would house features including a telephone handset and defibrillator, sheltered by a projecting canopy.

16. Considering the relationship to nearby buildings, the site context, existing street furniture, and other features centrally positioned on the street, the scale and appearance of the proposed installation would be broadly in keeping with its surroundings. Its simple design would be compatible with neighbouring buildings, and the type and level of illumination would align with neighbouring uses. I therefore do not find that the proposal would adversely affect its immediate surroundings.
17. Turning to the effect on designated heritage assets, the proposed installation would be visible in both views from the CA, and views looking into the CA from outside it. The proposed advertisement would also be visible in the foreground of views of certain LBs, including the former hop kiln and its conical roof, when looking west along Springfield Road.
18. However, given the existing site context, the nature of activity in the area and the distance between the installation and the designated heritage assets, the effect on their setting would be minimal. Even giving great weight to the conservation of designated heritage assets, as directed by the Framework, I do not find the proposal to result in harm to the setting of the CA or LBs.
19. For the reasons given, I conclude that the proposal would not harm the visual amenity, character or appearance of the area, and it would preserve the significance of the setting of the CA and the LBs. The proposal would therefore accord 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 accord with the relevant provisions of the Framework, which have similar aims. While the decision notices reference Policy DM14 of the CLP, which relates to non-designated heritage assets, no evidence has been provided to suggest the proposal would affect such assets. Therefore, there would be no conflict with this policy.

Public and highway safety

20. The Council argues that the proposal would add unwelcome clutter to the area, interfering with the outdoor seating area of the adjacent unit. It is also contended that the installation would interfere with and constrain pedestrian movement and desire lines, reducing the space available within the busy pedestrianised street and limiting pedestrians' ability to use the space freely.
21. The proposed installation, however, would be centrally located in an area already containing several fixed structures within the pedestrian zone. There is ample space for pedestrians to navigate around the existing features, and while the installation would add a minor obstruction, it would not significantly impede movement. Furthermore, there would be no conflict with any vehicular highways. Therefore, the effect on movement would be minimal and the proposal would not compromise public or highway safety.
22. Accordingly, I conclude that the proposal would not harm public or 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.

Other Matters

23. The Council references an appeal for a similar development¹ in the city centre that was dismissed in 2020. While there are some similarities between the cases, there are also significant differences in the proposals and site contexts. As a result, that decision carries limited weight in the context of these appeals and does not alter my previous findings.

Conditions

24. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the Framework and the PPG.
25. For Appeal A, all advertisements granted express consent are subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations. In addition to these conditions, the Council has proposed a condition to limit the level of illumination, in the interests of highway safety. However, as the site is not near a highway used by vehicular traffic, I do not find this condition reasonable or necessary to prevent harm to highway safety. Accordingly, it would not meet the tests set out in the Framework and PPG.
26. For Appeal B, the Council did not list the standard condition relating to the 3-year time limit for implementation. Instead, it proposed a condition requiring the development to be completed within 5 years from the decision date, to comply with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, this provision is not relevant to the appeal. In the absence of any compelling reasons to indicate otherwise, the standard 3-year time limit condition will apply. A condition specifying the approved plans is also necessary to ensure clarity.

Conclusion

27. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed, subject to the conditions set out in my formal decisions.

P Storey

INSPECTOR

¹ APP/W1525/W/19/3241891