



Appeal Decision

Site visit made on 5 February 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/W1525/Z/24/3355998

Bus Shelter, Duke Street, Outside former Unit 1, Chelmsford Railway Station, Chelmsford, CM1 1HT

- 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 Clear Channel UK Ltd against the decision of Chelmsford City Council.
 - The application reference is 24/00928/ADV.
 - The development proposed is double-sided digital bus shelter advertising displays. Digital displays to portray static advertising images that change every 10 seconds.
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Decision

1. The appeal is allowed, and express consent is granted for installation of double-sided digital bus shelter advertising displays. Digital displays to portray static advertising images that change every 10 seconds at Bus Shelter, Duke Street, Outside former Unit 1, Chelmsford Railway Station, Chelmsford, CM1 1HT in accordance with the terms of the application ref: 24/00928/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 and the following additional condition:-
 - 6) The maximum luminance of the digital display shall not at any time exceed the standards contained within the Institution of Lighting Professionals Guide. The maximum illuminance will not exceed 300 Candelas per square metre (300cd/m²) at night and 3500 candelas per square metre (3500cd/m²) during the day.

Procedural Matters

2. Since the determination of this application, and the submission of this appeal, the revised National Planning Policy Framework 2024 (the Framework) came into force on 12 December 2024. Given the refusal reason and the nature of the main changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.
3. It is noted that the installation of bus shelters on land owned by the Local Authority or on designated highway land does not require planning permission and that this appeal proposal is solely concerned with the advertisement consent for the double-sided advertising display outlined. I considered the appeal on this basis.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the area including the setting of both designated and non-designated heritage assets.

Reasons

5. The appeal proposal seeks consent for the installation of a double-sided digital bus shelter advertising display within an existing bus shelter which, when illuminated, would present static advertisements which would measure in the region of 1635mm x 925mm. The proposal is acknowledged, by both parties, to be part of a wider redevelopment scheme for the installation of new or replacement bus shelters. The appeal site stands within the West End Conservation Area (CA) and is opposite the Anne Knight Building which is Grade II Listed. Other, non-designated, heritage assets are located within vicinity of the appeal site including Chelmsford Railway Station and the Railway Tavern Public House.
6. At the time of my site visit I noted that the site is highly pedestrianised and generally busy as a result of general traffic and movements within the area due to its general location outside Chelmsford Railway Station. There are bus stops either side of Duke Street further contributing to the general activity around the appeal site as a result of users of the transport links within the area. The Council outline that the existing shelters were designed to be bespoke, minimal, and translucent to allow a sense of continuous public realm and clear views from the station approach to the Anne Knight Building and along the street.
7. Paragraph 141, of the Framework, is clear that the quality and character of places can suffer when advertisements are poorly sited and designed. The proposed double sided digital display would solidify one end of the bus shelter, and the proposal would be prominent, in some regards, but that is the general intention with regard to the positioning of advertising in such locations. In this case I do not find that the proposal would result in an unsightly feature that would be incompatible within the street scene given the busy, urban, context and positioning.
8. Whilst the digital display would block views through one end of the bus shelter, the remainder of the shelter would still allow clear views through from most approaches and, due to the positioning, I do not find the proposal would impact upon views from the station approach to the Anne Knight Building, as a designated heritage asset, to an extent that would warrant refusal. I note that the Chelmsford – West End Conservation area Character Appraisal 2005, acknowledges the busy pedestrian areas to the station entrances as well as the general spaces being congested and already adversely affecting the setting of the viaduct, the character of the CA and pedestrian comfort.
9. I also find, as set out within the CA appraisal, that views of the proposal would largely be seen in the context of the Railway Station as well as the 4 to 5 storey office block immediately opposite which dominates the immediate area around the station entrance. Additionally, the Railway Viaduct, noting within the CA appraisal, would continue to dominate as a feature of the West End in terms of the character of Duke Street. The proposal would not prevent appropriate views of the Viaduct as a result of its presence at the one end of a bus shelter even when illuminated.
10. The Council's delegated report does not appear to make reference to, nor consider, the CA appraisal in the context of their assessment of the proposals upon the CA. Overall, I find that there is limited evidence of reasoned assessment, by the Council, which would support that the proposal would have an adverse visual impact on the character of the CA, or the setting of the Grade II Listed building located opposite. Whilst the proposal is located within the CA, I do not find that the

proposal would be inappropriate or uncharacteristic in the context of this designated heritage asset due to its busy location, with existing bus stops and shelters, where I find that most people would generally expect to see advertisements in such locations. Given the busy location, adjacent to Chelmsford Railway Station, I find proposal would have a neutral impact upon the character and appearance of the CA as a designated heritage asset

11. The Grade II Listed Anne Knight Building is notable upon approach to the appeal site, however, I find that due to the separation between the proposal, and the designated heritage asset, including bus stops either side of the road and a generally large volume of activity as a result of traffic, pedestrians and cyclists that the setting and appreciation of the designate heritage asset would not be impacted upon as a result of the proposal. Whilst, as previously stated, the digital advertising display would block views through the shelter from one end, the remainder would be glazed allowing a sense of visibility through the bus shelter to be retained when walking or driving towards the Anne Knight Building. When approaching, on foot, along the southeastern side of Chelmsford Railway Station clear views would be maintained through the bus shelter and not blocked by the proposal maintaining views to the designated heritage asset.
12. Whilst the Council's delegated report makes reference to nearby non-designated heritage assets, including Chelmsford Railway Station and the Railway Tavern Public House, there is limited evidence of assessment as to the impact of such assets within the context of the Council's report. Notwithstanding this, I find that the proposal would be appropriate in the context of the non-designated heritage assets with the Railway Station itself being a visually prominent building which would not be impacted upon by the proposal and the Railway Tavern being sufficiently offset from the bus shelter with views being still widely available, within Duke Street, to appreciate the context of the public house and its setting by the Viaduct.
13. Overall, therefore, I find that the proposal would preserve the amenity of the area and would not be a prominent or unsightly feature within the street scene which would warrant refusal. The proposal, within a bus shelter would be appropriate for the busy site setting and would respect the character and appearance of the area within which it would be located and would be compatible with its surroundings. I do not find that the proposal would cause harm to the setting of the designated heritage asset nor the West End Conservation Area. Whilst the proposal does not replace an existing advertisement display, this form of display technology is not uncommonly found within urban areas and I find that it is most appropriately located, within this case, within the structure of the existing bus stop which, whilst clearly glazed, is already part of the street scene and existing street furniture.
14. The proposal would be consistent with Chelmsford Local Plan 2020 (LP) Policy SPS3 which seeks to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings as well as conserving and where appropriate, enhancing the historic environment. LP Policy DM13 requires impact of any development proposal on the significance of a designated heritage asset to be considered against any public benefits arising from the proposed development, however, in the context of such assets I find that the proposal would preserve the character and appearance of the area and result in neutral impact to the setting of the listed building – it does not require a consideration against public benefits.

15. The proposal would be consistent with LP Policy DM14 which outlines that proposals will be permitted where they retain significance of a non-designated heritage asset, including its setting and LP Policy DM23 which requires that proposals respect the character and appearance of the area within which they are located. Paragraph 216, of the Framework, confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and, in this case, when considering the potential impact of the proposal I have found that the proposal would have a neutral effect upon the non-designated heritage assets noted.

Other Matters

16. The appellant has referenced other appeals (page 7 – 8 of their statement of case), however, whilst phrases from the decision notices are provided, I consider their inclusion to be of limited weight due to the limited information provided. I have not been provided with, for example, details of the proposals upon which such comments were made nor a full copy of the decision notice to enable me to consider the context of the assessment.
17. I note that as part of the contract that this proposal forms part of it is forecasted that there would be a significant eight figure sum income to Essex County Council over a 15-year contract. Whilst this is acknowledged I have no breakdown of, for example, the amount attributable to the proposal which is the actual subject of this appeal (as opposed to the whole contract which is stated to be “Essex-wide”). On this basis I find this statement to be of very limited weight, in light of the evidence provided, in the context of this appeal had there been a requirement to consider the proposals in the context of public benefits.

Conditions

18. The Council’s questionnaire confirms that they consider one additional condition to be required in addition to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 in the event that express consent as applied for is granted. The appellant should note the content of the standard conditions.
19. A condition controlling the maximum luminance of the digital display is required in the interest of highway safety and in accordance with the latest authority document on illuminated advertisements (PLG05/23 – The Brightness of Illuminated Advertisements Including Digital Displays published in 2023 by the Institute of Lighting Professionals). A condition is required to ensure that the advertisement is operated in line with this guidance to ensure appropriate luminance dependent upon ambient light conditions as set out within the appellant’s Statement of Case.

Conclusion

20. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR