Horsham District Council

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: DC/26/0180
Your ref: APP/6015537
Email: Sam.Nye@horsham.gov.uk

Dear Sir/Madam,

6015537 – Footpath Outside 30 West Street, Horsham, RH12 1PB

This document is submitted on behalf of Horsham District Council in respect of the above appeal. The Local Planning Authority would refer the Inspector to the Delegated Report, the reasons for refusal (as per the delegated report) outlined below and the Council's response to the appellants statement of case also detailed below. The Council has included reason for refusal for both full application and advertisement consent applications below for ease of reference.

Reasons for Refusal - DC/26/0180 (Full Planning Application):

1. *The development, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The development would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The development would therefore result in unacceptable harm to the character and appearance of the locality, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.*

Reasons for Refusal - DC/26/0181 (Application to Display Adverts):

1. *The advertisement, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The advertisement would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The advertisement would therefore result in unacceptable harm to visual amenity, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.*

Response to Appellants Statement

The appellant's statement sets out that they disagree with the council's conclusion for the following reasons:

- The Council has overstated the visual harm of the proposal, particularly given the commercial character of West Street and its distance from the Conservation Area.
- Insufficient weight was given to the public benefits of the Street Hub, including enhanced digital connectivity, free Wi-Fi and telecommunications infrastructure.
- The Council relied too heavily on visual impact considerations and placed insufficient weight on the wider benefits of the proposal.
- West Street is a highly commercial town-centre environment characterised by retail activity, advertising, modern shopfronts and significant pedestrian activity, making it an appropriate location for a Street Hub.
- The Council failed to adequately consider the environmental and data-gathering benefits of the Street Hub, including air quality monitoring, movement data and support for sustainability objectives.
- The proposed location was deliberately selected within a strong commercial setting and positioned to avoid impacts on pedestrian movement and visual clutter.
- The Street Hub would be compatible with the existing streetscape and similar freestanding structures commonly found in town and city centres across the UK.
- The proposal complies with Policy 13 of the HDPF as it would improve the function of the town centre through enhanced digital connectivity and public services.
- The Council's concerns regarding street clutter are unfounded because the unit is aligned with existing street furniture and is sited away from potential conflicts.
- The submitted photomontages demonstrate that the structure would integrate successfully into the existing street scene without harming visual amenity.
- The proposal would not harm the setting of the Conservation Area due to its limited scale, modern commercial context and separation distance from the heritage asset.
- The character of this section of West Street has evolved over time and already contains modern commercial features, advertisements and street furniture, making the Street Hub a complementary addition.
- The refusal is unreasonable because the Council has not demonstrated any meaningful harm that would outweigh the significant public benefits of the proposal.

The appeal statement outlines that the “appeal forms part of an overarching project to replace some of the existing BT kiosks that will improve the public realm by upgrading them with the modern Street Hub” and that “[…] it is of the utmost importance to highlight that BT has an Electronic Communications Code license and Universal Service Obligation (USO) governed by Ofcom to provide and maintain publicly accessible call boxes on the street, irrespective of whether or not there is a perception that they are used or not”. The Council does not contend this point but disagrees that the council failed to give sufficient weight to the public benefits of the Street Hub. The Council acknowledges the public benefits associated with the proposal, including enhanced digital connectivity, free public Wi-Fi, public calling facilities and data-gathering functions. These benefits were fully considered during determination of the application and are not disputed in this appeal. However, whilst BT may have USO obligations, the Council does not consider this sufficient justification for implementing the development, with the Council assessing proposal on planning merits, rather than operational requirement. The Council would wish to implement these benefits in a way that respects the visual characteristics of an area which are contended under this appeal. In relation to this point, whilst the appellant wishes to replace aging equipment with modernised equipment, which is supported, the location of this particular proposal is not supported owing to the effects on the visual form and characteristic of the area.

The council acknowledges that the site is within the Horsham Town Centre Primary Shopping area, in which Policy 13 of the HDPF states development will be supported, provided the proposals will improve the character, quality and function of the centre as whole. West Street forms a key pedestrianised shopping route within the Horsham Town Centre, characterised by active ground floor commercial frontages with associated building signage. Within the

setting of the application site there are various pieces of street furniture, including litter bins and seating, with lighting columns sited centrally along the length of the street. The appeal site does not benefit from an existing kiosk proposed for replacement and therefore the appeal is not a direct replacement of street furniture at this location.

The Council disagrees that it failed to give sufficient consideration to the existing advertisements in the vicinity. The Delegated Reports acknowledge that there are existing advertisements present within the area, however, these are all affixed to shop fronts that form the commercial premises along West Street, with the views as such isolated to the immediate vicinity in which they sit and also incorporate trough lighting. This proposal would diverge from this characteristic, introducing a large, illuminated advertising screen almost 3m in height and 1.2 m in width, sited within the pavement area itself, with the screens facing east and west along West Street. As such, the proposed advertisement of this scale, nature and siting, would represent an uncharacteristic feature and form that would create a stark and visually jarring contrast with the surrounding character. Whilst West Street contains numerous commercial premises, advertising is generally integrated within building frontages. The prevailing character is not one of extensive freestanding advertising structures and would increase the visual clutter within the public realm.

The appellant also details that the council's concerns regarding street clutter are unfounded, because the unit is aligned with existing street furniture and is sited away from potential conflicts. Furthermore, the appellant states that the Council has overstated the visual harm of the proposal and would not harm the setting of the Conservation Area due to its limited scale, modern commercial context and separation distance from the heritage asset. The council strongly disagrees with this stance and considers both interlinked.

Notwithstanding the expected seating, bins and lampposts located centrally within West Street, the approach to street furniture on West Street has minimised the presence of 'clutter', which allows and retains largely unobstructed views both east along West Street and Middle Street and west towards the Bishopric. While the hub would not be located within the Horsham Conservation Area, its scale, height, illumination and prominent siting would ensure it remains highly visible from areas within the Conservation Area, which is located a distance of 55metres to the east. The council disagrees that the proposal aligns with the existing street furniture and considers the proposal would represent a stark contrast to the existing arrangement, degrading the open nature of the area, being incompatible with the surrounding character where this would be visually obtrusive and dominant considering the scale of street furniture nearby. Whilst the photomontages assist in illustrating the likely appearance of the development, the Council considers they do not fully convey the cumulative harmful visual effects which would arise from the prominence of hub's scale, illumination and advertising function. The proposal would therefore detract from the setting of the designated heritage asset and fail to preserve the qualities that contribute to its significance. To fully appreciate this context and the wide reaching views of the site, the site should be viewed, however, the council attaches its own images found within Appendix A.

The appellant has drawn the Inspector to a number of appeal decisions that they contend support their stance and are comparable to the applications under discussion here. Each application must be considered on its own merits, having regard to the specific circumstances of the site, the information submitted in support of the proposal, and the relevant planning policy considerations. Furthermore, unlike many of the appeal decisions cited by the appellant, the proposed Street Hub would not replace an existing kiosk or telephone box within the immediate vicinity. Instead, it would introduce a new piece of substantial street furniture into a section of West Street that has deliberately been maintained with a relatively uncluttered public realm and limited freestanding structures. The council highly disputes that the appeal decisions identified bear resemblance to the proposal or context of the site that is before the Inspector today, differing greatly in their context, street scene and character of the locality.

Conclusion

The Council remains of the view that whilst the proposal would provide public benefits, including enhanced digital connectivity, free Wi-Fi and telecommunications infrastructure, these benefits do not outweigh the identified harm arising from the development. For the reasons outlined above, the council remain of the view that the development, by reason of its scale, illumination and siting within a prominent location on West Street, would appear visually intrusive and would introduce a harmful degree of visual clutter into the street scene. The development would fail to respond positively to the character of the town centre and would detract from the quality of the public realm and the setting of the nearby Conservation Area. The development would therefore result in unacceptable harm to the character and appearance of the locality, contrary to Policies 14, 32, 33 and 34 of the Horsham District Planning Framework (2015) and Policies HB3, HB4 and HB7 of the Horsham Blueprint Business Neighbourhood Plan.

The Inspector is therefore respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, a List of Recommended Conditions for DC/26/0180 and DC/26/0181 has been detailed below.

Yours sincerely,

Sam Nye
Planning Officer

List of Appendices

Appendix A – Site Photos
Appendix B - List of Suggested Conditions

Appendix A – Site Photos



Figure 1.0 – View of the application site looking east



Figure 2.0 – View of the application site looking west, within the Horsham Conservation Area.



Figure 3.0 – View of the application site looking west, within the Horsham Conservation Area.



Figure 4.0 – View from the application site looking east

Appendix B - List of Suggested Conditions

If the Inspector is minded to allow the appeal, the following conditions are recommended in order to mitigate potential impacts and ensure the development proceeds in an acceptable manner.

DC/26/0180 Recommended Conditions

1 **Approved Plans**

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: In the event of the BT Hub hereby approved ceasing to be used, the street hub together with all debris shall be removed from the site and the site cleared and restored to a condition to be agreed in writing by the Local Planning Authority no later than six months after the cessation of such use.

Reason: In the interest of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

5 **Regulatory Condition**: The maximum volume of the BT Hub when used for calling shall not exceed 40% of the maximum volume output between the hours of 22:00 hrs and 07:00 hrs.

Reason: In the interests of amenity of the area and neighbouring occupants and to accord with policies and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

DC/26/0181 Recommended Conditions

1 **Approved Plans**

2 **Advert Condition**: No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
b) obscure, or hinder, the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
c) hinder the operation of any device used for purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In the interests of the visual amenities of the locality.

4 **Advert Condition**: The illumination of the proposed sign shall be of a non-intermittent type.

Reason: In the interests of highway safety.

5 **Regulatory Condition**: The luminance of the BT Hub display shall not exceed 300 cd/m² during the hours of darkness. For the purposes of this condition, the maximum luminance shall not exceed:

- 300 cd/m² between 16:00 hrs and 08:00 hrs (inclusive) from October to April; and
- 300 cd/m² between 21:00 hrs and 06:00 hrs (inclusive) from May to September

The display shall be operated in accordance with these limits at all times.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

6 **Regulatory Condition**: The intensity of the illumination of the BT Hub shall not exceed 5000 cd/sqm during daylight hours.

Reason: In the interests of amenity of the area