

<b>APPLICATION NO:</b> 20/00229/LBC		<b>OFFICER:</b> Mr Chris Morris
<b>DATE REGISTERED:</b> 7th February 2020		<b>DATE OF EXPIRY:</b> 3rd April 2020
<b>DATE VALIDATED:</b> 7th February 2020		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	The Cheltenham Trust Organisation	
<b>AGENT:</b>	Broe and Co LLP	
<b>LOCATION:</b>	Four Telephone Kiosks outside 43 Promenade, Cheltenham	
<b>PROPOSAL:</b>	Temporary re-painting of telephone kiosks - four in white, and six in one of six rainbow colours - 10 Listed Telephone Boxes in the Promenade	

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site comprises ten K6 type telephone kiosks located on the pedestrian precinct of The Promenade, a group of four outside 43 Promenade and a group of six outside 23 Promenade. Each group of kiosks is grade II listed and within the Central Conservation Area. The kiosks are prominently located and form an important part of the streetscene.
- 1.2 Notably the phone kiosks are also immediately adjacent to a high number of listed buildings. These include: To the northwest 33 to 45 Promenade, a grade II listed Regency terrace of 4 houses dated 1820; and 21 to 31 Promenade, a terrace of 6 houses, now shops dated circa 1820-30; To the northeast Martin and Co, 19 Promenade a grade II listed Regency house, now shop, dated circa 1820-40; 26, 28 and 30 Promenade, grade II listed houses, now shops dated circa 1800-40; and 32 a grade II listed former Library, now shop, dated circa 1820-40; To the Southeast 50 Promenade, a grade II listed house now shop, dated circa 1820-40 with conversion to shop probably pre-1845; 52 to 58 Promenade, a grade II listed a terrace of 4 houses, now 5 shops, dated circa 1820-40; To the southwest the Boer War Memorial, grade II listed, erected 1907. The wider context along the Promenade and Clarence Street also contains a high number of listed buildings. It is considered any works to the telephone kiosks will affect the setting of these buildings.
- 1.3 The proposal is to repaint each telephone kiosk in the group of six in one of the colours of the rainbow and each telephone kiosk in the group of four in white for a temporary period from May 2020 until June 2021.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Business Improvement District  
Conservation Area  
Core Commercial Area  
Listed Buildings Grade 2  
Principal Urban Area  
Central Shopping Area  
Smoke Control Order

### Relevant Planning History:

#### **88/00939/LA 4th August 1988 REF**

4no. One Kiosks 4no. The Promenade Cheltenham Gloucestershire - Replace The Original Dome Glass Engraved "Telephone" In Maroon On Cream Background By Glass Engraved "Phonocard" In White On Green Background

#### **13/02055/LBC 1st April 2014 GRANT**

Refurbishment of existing phone boxes to be used for temporary display of art installations:  
6 kiosks outside 23 Promenade  
4 kiosks outside 43 Promenade

#### **14/00373/FUL 13th March 2014 WDN**

Change of use of 4no. phone boxes to 4no. retail kiosks (A1)

#### **19/00747/LBC 22nd May 2019 GRANT**

Installation of a defibrillator in the K6 telephone kiosk on the Promenade

### 3. POLICIES AND GUIDANCE

#### National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

#### Saved Local Plan Policies

#### Adopted Joint Core Strategy Policies

SD8 Historic Environment

### 4. CONSULTATIONS

#### **Cheltenham Civic Society**

*2nd March 2020*

#### OBJECT

The red colour was a significant feature of the listed boxes, and that as a tourist attraction, visitors expect to see red telephone boxes (and red pillar boxes). Comparisons were drawn with the poor execution of the gold pillar boxes in 2012.

The Forum believes that other locations and/or venues would be better suited and be more effective for the promotion of the LGBTQ+ message.

The Forum hopes the interior displays will materialise, as the current use of some of the boxes for storage detracts from their appearance and that of the Promenade.

The application documentation is inadequate. An application of this nature must surely be in colour. The Forum regrets that local architects were not employed to draw up the plans, as they may have paid greater attention to detail in both the location of the defibrillator and the spelling in the document.

The Forum notes that there is an undertaking to reinstate the original colour at the end of a year. If the Borough is minded to permit, this should be enforced and a condition imposed requiring the use of an anti-graffiti finish.

#### **Building Control**

*13th February 2020*

No comments to be made.

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>23</b>
Total comments received	<b>3</b>
Number of objections	<b>3</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** An advertisement was placed in the Gloucestershire Echo and a site notice was placed near the site.

#### **5.2 Comments Received**

Three objections have been received. These are attached to this report.

## **6. OFFICER COMMENTS**

- 6.1** It is important to consider the policy context in which a decision on this application needs to be made. Specifically with listed building consent this must relate to the heritage considerations of the proposal only and no other reasons, planning or otherwise.
- 6.2** The relevant legislation is the Planning (Listed Buildings and Conservation Area) Act 1990 states, Section 16(2) of which states, "In considering whether to grant listed building consent for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.3** National Planning Policy Framework 2019 (NPPF) also needs to be carefully considered. Local planning authorities are required by Paragraph 192 of the NPPF to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.
- 6.4** Historic England has general advice concerning the care of listed phone boxes. They state, local planning authorities need to determine each consent application in line with the National Planning Policy Framework, considering the kiosk's significance, the impact on group value with visually related heritage assets and any other relevant planning considerations.
- 6.5** By way of general background to the heritage significance of the telephone kiosks and their colour, in 1936 the General Post Office, which at the time ran the telephone system, commissioned Scott to redesign the K6 type kiosk to make it more streamlined and cost effective than the existing kiosks. The K6 type kiosk was based his earlier K2 type kiosk from which he took inspiration from the tomb in St. Pancras Old Church Gardens, designed by Sir John Soane for his family, dated 1816. Scott originally designed the exterior of his K2 type kiosk to be silver to commemorate the silver jubilee of King George V. However, the General Post Office, decided the colour should be red, likely to match the livery of their existing red post boxes.
- 6.6** When they were introduced kiosks were not universally painted red, this colour caused many local difficulties in areas of natural and architectural beauty, resulting in requests for less visible colours. In response the General Post Office allowed a number to be painted grey, green or cream. Some of these non-red coloured kiosks still survive.
- 6.7** According to Historic England around 60,000 kiosks were installed between 1936 and 1968, with an estimate of 3400 surviving, over 3000 of which have listed building status, typically listed for their group value with other listed buildings.
- 6.8** Today, due to the rise in mobile phone use, many of the kiosks have been decommissioned, with Historic England warning, "As more kiosks fall out of use Historic England encourages innovative thinking in finding new uses for them... These help retain kiosks in a positive use and attract investment funding their maintenance and continued service to local communities."
- 6.9** Nationally kiosks have been repurposed for a variety of new uses including libraries, book exchanges, cafes, phone recharging stations, tourist information centres, flower shops, internet stations, souvenir shops, work stations, and even a tiny pub.

- 6.10** After becoming redundant the now Cheltenham Borough Council owned telephone kiosks on the Promenade were granted consent in 2013 under application 13/02055/LBC to be reused as exhibition spaces, in association with The Wilson. One of the ten kiosks houses a defibrillator, which was granted listed building consent in 2019 under application 19/00747/LBC.
- 6.11** The proposed repainting is related to their use as exhibition spaces, granted under application 13/02055/LBC. The proposal forms part of a project by the Cheltenham Trust Organisation of the Wilson Art Gallery and Museum, who have been awarded funding from the National Lottery Heritage Fund for the 'Let's Talk' LGBTQ+ Project, related to The Wilson's theme of Wellbeing for 2020-21 to inspire more inclusion and relevance amongst their collections and with cotemporary collecting.
- 6.12** A small number of objections have been raised to the proposed works, including one from the Civic Society. These objections are primarily based on the visual appropriateness of changing the colour of the historic telephone kiosks from their traditional red.
- 6.13** While these concerns are noted, the proposal needs to be considered in the context of the reuse of the kiosks and their long term viability. It should be recognised, despite reuse being granted for the kiosks as exhibition spaces they have for some time not been meaningfully utilised. As a result they are falling into a state of disrepair and to suffer from vandalism. Given the difficulty in finding uses for such unusual structures, particularly so given their number, it is considered critical the existing consented uses are fully realised and encouraged to avoid redundancy, ensuring their long term future.
- 6.14** The proposal to temporarily repaint the kiosks is considered an innovative example of a creative use of the structures, the deliberate changing of the colour used to draw attention to the exhibition spaces. While it is recognised the traditional red colour of kiosks are an intrinsic part of their identity, due to the short-term nature of the proposed works it is not considered there would be harm to the heritage significance of the heritage assets. It is important to note the proposed works are fully reversible and the kiosks will be restored to their exact former colour after the consented time period which can be ensured by condition attached to any approval.
- 6.15** Given the temporary nature of the colour change and the need to find and maintain viable reuses of telephone kiosks, the works are considered to comply with the requirement of paragraph 192 of the NPPF to sustain and enhance the significance of heritage assets and to put them to viable uses consistent with their conservation.
- 6.16** The impact of the proposal on the special interest of listed building, the setting of neighbouring listed buildings and the conservation area are therefore considered acceptable. The proposed works are considered to comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** It is recommended the application be granted with conditions.

## **8. CONDITIONS / INFORMATIVES**

- 1** The listed building consent hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The listed building consent hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No existing paint work shall be removed, repair undertaken or new paint work applied unless in accordance with the written specification within the Design and Access Statement by Broe & Co. LLP, dated February 2020, reference 9271/MB/FB or otherwise agreed with by the local planning authority. Samples of colour of the new paint shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

- 4 The works are hereby granted for a temporary period from May 2020 until June 2021 or an amended period of time agreed in writing by the local planning authority, after which the kiosks shall be repainted in accordance with the written specification within the Design and Access Statement by Broe & Co. LLP, dated February 2020, reference 9271/MB/FB or otherwise agreed with by the local planning authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.