



Appeal Decisions

Site visit made on 3 March 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2023

Appeal A Ref: APP/B1605/W/22/3298823

Pavement on Winchcombe Street, side of Hays Travel 159 High Street, Cheltenham GL50 1DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne, BT Telecommunications Plc, against the decision of Cheltenham Borough Council.
 - The application Ref 22/00322/FUL, dated 17 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is described as 'Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)'.
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Appeal B Ref: APP/B1605/H/22/3298824

Pavement on Winchcombe Street, side of Hays Travel 159 High Street, Cheltenham GL50 1DF

- 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 Mr James Browne, BT Telecommunications Plc, against the decision of Cheltenham Borough Council.
 - The application Ref 22/00322/ADV, dated 17 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is described as 'Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. There are two appeals at the site. Appeal A relates to the refusal of planning permission, while Appeal B is against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. Therefore, to avoid repetition, I have detailed the findings under a single reasoning section. Nonetheless, each proposal and appeal has been considered individually on its own merits.

Main Issues

4. The main issues for Appeal A is whether the proposal would preserve or enhance the character or appearance of the Cheltenham Central Conservation Area and whether the setting of a nearby listed building would also be preserved.
5. The main issue for Appeal B is the effect of the proposed advertisement on the visual amenity of the area, including the Cheltenham Central Conservation Area and the setting of a nearby listed building.

Reasons (Appeals A and B)

6. The appeal site is an area of pedestrian pavement, that sits within a busy commercial section of Cheltenham town centre. The site lies on Winchcombe Street, near to its junction with High Street and is located adjacent to the side elevation of 159 High Street. Surrounding properties vary in height but are typically two to three stories and are predominantly occupied by a range of retail and commercial uses.
7. The site lies within the Cheltenham Central Conservation Area (CA), which covers a significant extent of the town centre and therefore is rather varied in its character, albeit its significance is largely derived from its history and architecture as a Regency town. The appeal site lies within the 'Old Town' character area of the CA. The special interest of this part of the CA is mainly linked to its historic layout and street patterns, including much of the ancient High Street. It also contains several listed buildings that contribute significantly to the character and appearance of the area.
8. The appeal proposal is within the setting of an adjacent Grade II listed building at nos. 159 and 161 High Street. The listed building is three storeys in height containing two ground floor shop frontages onto High Street. I find that the significance of the listed building lies in its age and architectural qualities, including its classical proportions, attractive frontage and quality detailing. The building is located on a prominent corner and its setting is largely defined by the bustling, commercial character of the surrounding area. The appeal site would mostly be viewed against the side elevation of 159 High Street. However, due to the building's position on a spacious corner, the proposed development could also be viewed together with the frontage of the listed building.
9. There is already a variety of existing street furniture nearby to the appeal site. This includes bicycle stands, bins, sign-posts, CCTV columns as well as ornamental lighting columns. The commercial character of the area is also exhibited through the display of advertisements including shop fascia's, window displays and projecting signs. Nevertheless, whilst widespread, the prevailing nature of advertisements surrounding the site is rather inobtrusive.
10. The proposal would replace an existing telephone kiosk that already includes advertisement space to one of its sides. The existing telephone kiosk does not complement the street scene and has a greater overall volume than the proposed development. I also appreciate that the proposal could be viewed as an upgrade through providing a more contemporary designed structure compared to the existing kiosk. Nevertheless, the proposal would introduce a

modern structure, which at almost 3m in height would be much taller and more prominent than the telephone kiosk it would replace.

11. It would also incorporate high-definition displays on both its sides that would feature changing advertisements. The size, illumination and changing nature of the displays would result in a far more visually intrusive structure that, even accounting for existing street furniture, would be an incongruous feature within the street scene. I note the appellant has suggested a condition could control the way that imagery is displayed on the screens. However, this would still not overcome my concerns with the proposal's effects on the character of the area.
12. Accordingly, in relation to Appeal A, the proposed Street Hub structure would be harmful to the character and appearance of the area, including failing to preserve the character and appearance of the CA and the setting of the listed building. As such, the proposed development conflicts with Policies D1 and HE3 of the Cheltenham Plan (adopted 2020) and Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted 2017). Together these policies, amongst other matters, seek to ensure that development complements the character of a locality including respecting the historic environment.
13. With regards to Appeal B, the proposal would have an unacceptable effect on the amenity of the area. The policies of the development plan have been considered as far as they are material, and in this respect, the scheme would also conflict with the above identified policies.
14. In coming to the above view, I recognise that there have been applications approved for similar developments at several locations in Cheltenham and that these included positive feedback from the Council's Heritage and Conservation Officer. However, from the evidence before me, it appears those developments were of an alternative design, whilst were also located at sites that had differences in their precise contexts.
15. The harm that would arise to the designated heritage assets would be less than substantial. As per the National Planning Policy Framework (the Framework) the harm to the heritage assets should be weighed against any public benefits of the proposal.
16. The appellant has highlighted several public benefits associated with the appeal scheme. This includes the provision of wifi-phone calls, wayfinding tools, device charging, emergency call features as well as public messaging and interactive technology capabilities. It would also be powered by renewable energy. These are public benefits to which I give meaningful weight. Additionally, the Street Hub would embrace the Framework's objective of supporting advanced, high-quality communications infrastructure.
17. Nonetheless, the Framework establishes that great weight should be given to the conservation of designated heritage assets. Overall, I consider that the less than substantial harm that would arise from the proposal would not be outweighed by the public benefits.

Other Matters

18. The appellant highlights that the proposal would also involve the removal of a further telephone kiosk approximately 1 mile from the appeal site at the corner of Tewkesbury Road and corner of Townsend Street, outside of the Central CA.

This would result in reduced street clutter in that location. It is unclear whether this is directly linked to the appeals before me or is scheduled for removal regardless. In any case, my decision does not turn on this matter.

19. I have considered the appeal decisions that the appellant refers to. I do not have the precise context details of those proposals, but they relate to other cities, and it seems from the decisions that the surrounding environments are not comparable to the circumstances in this case. Without specific details of those proposals, including the similarity of apparatus, the siting of the development and the surroundings, I am unable to draw appropriate parallels.

Conclusion

20. For the reasons outlined above, both Appeal A and Appeal B are dismissed.

Lewis Condé

INSPECTOR