
Appeal Decisions

Site visits made on 8 October 2019 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2019

All appeals

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeals are made by Mr Nathan Still (Infocus Public Networks Ltd) against the decision of the Cheltenham Borough Council.
 - The development proposed in each case is described as the display of a single illuminated sequential display affixed to the frame of the communication hub.
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Appeal A Ref: APP/B1605/Z/19/3227824

Opp McDonalds, 224-226 High Street, Cheltenham GL50 3HF

Grid Reference Easting: 394857 and Grid Reference Northing: 222609

- The application Ref 18/02525/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
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Appeal B Ref: APP/B1605/Z/19/3227826

Os Primark, 201-207 High Street, Cheltenham GL50 3HH

Grid Reference Easting: 394934 and Grid Reference Northing: 222527

- The application Ref 18/02526/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
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Appeal C Ref: APP/B1605/Z/19/3227830

Os Game, 195 High Street, Cheltenham GL50 1DE

Grid Reference Easting: 394972 and Grid Reference Northing: 222490

- The application Ref 18/02527/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
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Appeal D Ref: APP/B1605/Z/19/3227836

Os Pret a Manger, 167 High Street, Cheltenham GL50 1DF

Grid Reference Easting: 395034 and Grid Reference Northing: 222417

- The application Ref 18/02529/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
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Appeal E Ref: APP/B1605/Z/19/3227839

Os Superdrug, 95-97 High Street, Cheltenham GL50 1DP

Grid Reference Easting: 395129 and Grid Reference Northing: 222257

- The application Ref 18/02531/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
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Decisions

1. The appeals A, B, C, D and E are dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. As set out above, there are five separate appeals for the display of a single illuminated sequential display integral to the frame of the communication hubs. Whether or not the communication hubs benefit from deemed consent is not for me to determine in the context of a Regulation 17 appeal. I have therefore assessed the proposal solely on the basis that it is for the advertisements. The hubs were not in place when I visited the sites. Whilst each appeal relates to a different site, the size and nature of the proposed advertisements on the sites are identical. I have considered each proposal on its individual merits, but as they raise similar issues, the cases are dealt within a single decision letter.
4. The advertisement in each case is a standard 6 sheet display that is designed as an integral part of the structure and affixed to the rear of the communication hub. All proposed advertisements would be internally illuminated by means of LED modules, and the illumination would be static. The advertisement would feature a displayed image changing in a repeated sequence, with the LED illumination to a level no greater than 300Cdm². As the appellant has set out within their statement, the communication hubs upon which the advertisements would be located do not form part of the assessment.
5. The Council has drawn my attention to the policies it considers relevant to these appeals and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of these appeals the Council's policies have not therefore, in themselves, been decisive.
6. Appeals A,B,C,D and E relate to sites that are located within the Cheltenham Central Conservation Area (CCCA). Appeals A, B, C and D also relate to sites that are located within the setting of Listed Buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The conservation area covers much of the town centre and its significance lies in part in the manner in which it encompasses a range of buildings and spaces that reflect the evolution of this historic centre. The area has a busy, vibrant character and advertisements on shopfronts are a well-established feature of the streetscene.

7. The Framework notes that the quality and character of places can suffer when advertisements are poorly placed. A strict control over the display of outdoor advertisements should therefore be maintained.

Main Issues

8. The main issues are:

- for appeals A-D the effect of the proposal on the visual amenity of the area, including the effect on the Cheltenham Central Conservation Area and nearby listed buildings; and
- for appeal E the effect of the proposal on the visual amenity of the area, including the effect on the Cheltenham Central Conservation Area.

Reasons for the Recommendation

Appeal A - Opposite 224-226 High Street

9. The communication hub to which the advertisement would be affixed would be located on the pavement on the northern side of High Street. The site is within the CCCA and within the setting of a grade II listed building, 228 High Street. The area is predominantly commercial and has a mix of traditional and modern buildings.
10. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. To the south of the site is a bus shelter which contains two advertisements. It was not clear at the time of my visit if these advertisements were illuminated. There is also a free-standing BT communication hub on the southern side of High Street, some metres away from the site, which has an illuminated, digital advertisement on one side, although I have no evidence that these advertisements have consent.
11. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, the advertisement placed within the public realm would be a distracting and discordant feature in a historic setting. Due to its size, siting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene, the CCCA, and within the setting of No 228, the listed building. This would further add to the existing visual clutter experienced within the area.
12. I note that the illumination would neither be flashing nor intermittent in nature or feature any animation. However, given its cumulative effect with the amount of existing signage, the proposed advertisement would be detrimental to visual amenity, would fail to preserve or enhance the character or appearance of the CCCA and would cause harm to the setting of the listed building, 228 High Street. Accordingly, it would conflict with Policy BE 13 of the Cheltenham Borough Local Plan which specifically relates to advertisements in conservation areas. The policy sets out that advertisements should be sensitive to the character of an area through size, siting and illumination.

Appeal B - Outside 201-207 High Street

13. The communication hub to which the advertisement would be affixed would be located on the pavement on the northern side of High Street, in a highly prominent position close to the junction of High Street and Clarence Street. The site is within the CCCA and within the setting of the grade II listed buildings 200, 202, 204 High Street. The area is predominantly commercial and has a mix of traditional and modern buildings.
14. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. There is also a free-standing BT communication hub on the southern side of High Street, to the north-west of the appeal site, which has an illuminated, digital advertisement on one side although I have no evidence that this advertisement has consent.
15. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, the advertisement, placed within the public realm, would be a distracting and discordant feature in a historic setting. Due to its size, sitting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene, the CCCA, and within the setting of nos. 200, 202 and 204, the listed buildings. This would further add to the existing visual clutter experienced within the CCCA.
16. I note that the illumination would neither be flashing nor intermittent in nature or feature any animation. However, given its cumulative effect with the amount of existing signage, the proposed advertisement would be detrimental to visual amenity, would fail to preserve or enhance the character or appearance of the CCCA and would harm the setting of the listed buildings 200, 202 and 204 High Street. Accordingly, it would conflict with Policy BE 13 of the Cheltenham Borough Local Plan which specifically relates to advertisements in conservation areas. The policy sets out that advertisements should be sensitive to the character of an area through size, siting and illumination.

Appeal C – Outside 195 High Street

17. The communication hub to which the advertisement would be affixed, would be located on the pavement on the northern side of High Street. The site is within the CCCA and within the setting of a grade II listed building 2-4 Promenade and locally listed building 197-199 High Street. This area is predominantly commercial.
18. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. Whilst I acknowledge the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, the advertisement, placed within the public realm, would be a distracting and discordant feature in a historic setting. Due to its size, sitting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene, the CCCA, and within the setting of grade II listed building, 2-4 Promenade, and locally listed building 197-199 High Street. This would further add to the existing visual clutter experienced within the CCCA.

19. I note that the illumination would neither be flashing nor intermittent in nature or feature any animation. However, given its cumulative effect with the amount of existing signage, the proposed advertisement would be detrimental to visual amenity, would fail to preserve or enhance the character or appearance of the CCCA and would harm the setting of grade II listed building 2-4 Promenade and locally listed building 197-199 High Street. Accordingly, it would conflict with Policy BE 13 of the Cheltenham Borough Local Plan which specifically relates to advertisements in conservation areas. The policy sets out that advertisements should be sensitive to the character of an area through size, siting and illumination.

Appeal D - Outside 167 High Street

20. The communication hub to which the advertisement would be affixed, whilst not in place at the time of my visit, would be located within a pedestrian zone, outside Pret a Manger. The site is within the CCCA and within the setting of grade II listed buildings 159 and 161 High Street. This area is predominantly commercial.
21. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. There is also a free-standing BT communication hub within proximity of the appeal site, which has an illuminated, digital advertisement on one side, although I have no evidence that this advertisement has consent.
22. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, I find that the advertisement, placed within the public realm, would be a distracting and discordant feature in a historic setting. Due to its size, siting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene, the CCCA, and within the setting of Nos. 159 and 161, the listed buildings. This would further add to the existing visual clutter experienced within the CCCA.
23. I acknowledge that the illumination would neither be flashing nor intermittent in nature or feature any animation. However, given its cumulative effect with the amount of existing signage, the proposed advertisement would be detrimental to visual amenity, would fail to preserve or enhance the character or appearance of the CCCA and would harm the setting of the listed buildings nos. 159 and 161 High Street. Accordingly, it would conflict with Policy BE 13 of the Cheltenham Borough Local Plan which specifically relates to advertisements in conservation areas. The policy sets out that advertisements should be sensitive to the character of an area through size, siting and illumination.

Appeal E – Outside 95-97 High Street

24. The communication hub to which the advertisement would be affixed, whilst not in place at the time of my visit, would be located within a pedestrian zone, outside Superdrug. The site is within the CCCA and the surrounding area is predominantly commercial.

25. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. There are also two free-standing BT communication hubs within proximity of the appeal site, which have illuminated, digital advertisements on one side although there is no evidence before me that these advertisements have consent.
26. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, I find that the advertisement, placed within the public realm, would be a distracting and discordant feature in a historic setting. Due to its size, sitting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene and within the CCCA. This would further add to the existing visual clutter experienced within the CCCA.
27. I acknowledge that the illumination would neither be flashing nor intermittent in nature or feature any animation. However, given its cumulative effect with the amount of existing signage, the proposed advertisement would be detrimental to visual amenity, and would fail to preserve or enhance the character or appearance of the CCCA. Accordingly, it would conflict with Policy BE 13 of the Cheltenham Borough Local Plan which specifically relates to advertisements in conservation areas. The policy sets out that advertisements should be sensitive to the character of an area through size, siting and illumination.

Recommendation

28. For the reasons given above and having regard to all other matters raised, I recommend that appeals A, B, C, D, and E should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

S Ashworth

INSPECTOR