
Appeal Decision

Site visit made on 8 October 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2020

Appeal Ref: APP/B1605/Z/19/3227837

Os Halifax Bank, 8 Winchcombe Street, Cheltenham GL52 2LW

- 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 Nathan Still (Infocus Public Networks Ltd) against the decision of Cheltenham Borough Council.
 - The application Ref 18/02530/ADV, dated 27 November 2018, was refused by notice dated 25 April 2019.
 - The advertisement proposed is described as 'the display of a single illuminated sequential display affixed to the frame of the communication hub'.
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Decision

1. The appeal is 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.

Preliminary Matters

3. The appeal site address as stated in the original application form was incorrect. Therefore, the address above is consistent with that stated on the appeal form.
4. The proposal is for an advertisement to be positioned in a glazed panel on the reverse side of a communication hub for which the appellant has sought separate consent. At the time of conducting the site visit, the hub was not in situ. The appellant has however provided plans and images of the proposed hub and this information is considered material in so much as it provides clarity as to the overall appearance of the proposed advertisement. However, beyond this, the decision is limited to the consideration of the proposal before me.
5. The Council has drawn my attention to the policies and guidelines it considers to be relevant to these appeals and I have taken them into account as material considerations where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG)

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

6. The proposal, by virtue of its location and design, would not affect public safety. This is not disputed. The main issue is therefore the effect of the proposed advertisement on the visual amenity of the area.

Reasons for Recommendations

7. The Regulations define factors considered relevant to amenity, which include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest. The PPG, noting that this is not an exhaustive definition, clarifies that amenity is understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement ... where residents or passers-by will be aware of the advertisement².
8. Whilst the proposed advertisement would not have an effect on aural amenity, it is designed to be clearly noticeable in the street scene. It would have an LED illuminated display equivalent in size to the industry standard "6 Sheet" panel and would automatically change the displayed image in a repeated sequence. The application form indicates that the advertisement would be 1.87m in height, 1.05m in width and 0.57m in depth.
9. The proposal would be located on the pavement outside the Halifax Bank on Winchcombe Street, close to the main retail centre of the town, and within the Cheltenham Central Conservation Area (CCCA). Properties on the street form terraces with on street parking provision. The terrace near the appeal site retains some historic character, with three properties warranting Grade II listing. The opposite terrace is modern in character. The street hosts numerous small shops and cafes, many of which are independent traders, as well as banks at street level. Most units have unilluminated yet colourful fascia signs with the occasional 'A' board sign positioned on frontages and some outside seating associated with cafes. The appeal site is located at the point where the pavement widens and is close to the junction with the High Street. With the exception of an existing telephone kiosk, communications cabinet and a litter bin, the immediate area is devoid of street furniture.
10. At the time of my site visit the existing kiosk close to the appeal site was not displaying any advertising material. The closest similar scale advertisement to that proposed was observed on kiosks in the central part of the High Street. Whilst appreciating that advertising can be appropriate in a commercial setting and an array of coloured signage was observed particularly opposite the appeal site, there were no large illuminated advertisements in the street scene. Given this context I find that the scale, position and nature of the proposal would be visually prominent and result in an incongruous addition to the relatively open street scene. The proposed conditions regarding the control of illumination and lighting effects would not mitigate the overall harmful effects outlined.
11. Given the above, I conclude that the proposal would be an incongruous, prominent form of advertising in the streetscape detrimental to the visual amenity of the area. Given this conclusion I find that the proposal would be

² Paragraph 079 Ref ID:18b-079-20140306

harmful to the character and appearance of the CCCA. It would not preserve or enhance the character or appearance of the conservation area. Although not decisive in my conclusion the proposal would conflict with Policy BE 13 of the Cheltenham Borough Local Plan Second Review 2006 which requires advertisements in conservation areas to be appropriate in type, size, colour, illumination and location to the character of the site. The proposal would also not be in keeping with guidance set out in Historic England – Streets for All, Advice for Highways & Public Realm Works in Historic Places 2018 and Paragraph 132 of the Framework as it would result in a poorly sited and designed advertisement which would affect the quality and character of the place within which it is located.

Other Matters

12. There are three Grade II listed buildings within the terrace close to the appeal site. The statutory duty³ applicable to listed buildings is confined to the consideration of whether to grant planning permission, therefore for the purposes of this decision the effect of the proposal on listed buildings and their settings is material in so far as any effect on the visual amenity of the area. The proposal by virtue of its relative proximity to the heritage assets would not have a harmful effect on their appearance and would not visually harm their immediate setting.
13. Provision of communications infrastructure and improvements to services for the public as well as the necessity of advertising revenue to support such infrastructure are matters outside the scope of this decision, as are any potential benefits such as shoppers enhanced retail experience or commercial enterprise. These matters do not therefore outweigh the harm identified.

Conclusion and Recommendation

14. For the reasons outlined above I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on this basis the appeal is dismissed.

RC Kirby

INSPECTOR

³ s66(1) Planning (Listed Buildings & Conservation Areas) Act 1990