



Appeal Decisions

Site visit made on 31 January 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal A Ref: APP/N4205/W/23/3328163

Pavement outside 7 Newport Street, Bolton BL1 1NE

- 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 JCDecaux UK Limited against the decision of Bolton Council.
 - The application Ref 15861/23, dated 21 April 2023, was refused by notice dated 19 July 2023.
 - The development proposed is installation of a multifunctional communication hub with integral advertisement display and defibrillator.
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Appeal B Ref: APP/N4205/Z/23/3328164

Pavement outside 7 Newport Street, Bolton BL1 1NE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Limited against the decision of Bolton Council.
 - The application Ref 15862/23, dated 21 April 2023, was refused by notice dated 19 July 2023.
 - The development proposed is the siting of an integral advertisement LCD screen for illuminated static displays within communication hub.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. There are two appeals on this site. Appeal A relates to the refusal of planning permission for the communication hub and Appeal B relates to the Council's refusal to grant advertisement consent. The communication hub and advertisement are integral to each other, and both are the subject of these appeals. I have dealt with each case on its individual merits, but to avoid duplication both proposals are considered together in this decision, except where otherwise indicated.
3. In the banner headings above, for both Appeal A and Appeal B, I have taken the description of the proposals from the Council's decision notice as this is a more accurate description, than the one provided in the respective application form.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material

factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance confirm this approach. With respect to Appeal B, the development plan policies referred to by the Council in their decision notice are not determinative, but I have taken these into account as a material consideration.

Main Issue

5. The main issue with respect to Appeal A is the effect of the proposed development on the character and appearance of the Town Hall Conservation Area. With respect to Appeal B, as there is no dispute between the parties in relation to the proposed advertisement on public safety, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

6. The Town Hall Conservation Area (the CA) comprises a relatively small area of the central part of Bolton Town Centre, focused on Victoria Square, with the streets to the west. The boundary of the CA includes the top most part of Newport Street, extending south broadly up to No.7 Newport Street. The appeal site is therefore within the CA. In accordance with the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
7. The significance of the CA is described in the Council's *Draft Conservation Area Appraisal (2008)* as being derived from the Grade II* Listed Town Hall, the civic buildings on Le Mans Crescent and the open public realm formed by Victoria Square itself, originally created by the town's market in the 1820s. Within the town centre, the grid street pattern and openness of Victoria Square allows for a mixture of open and framed views, with longer north-south views possible along Newport Street.
8. The appeal site itself is within the pavement, at the top of Newport Street, on its eastern side broadly opposite No.7 Newport Street. Newport Street is a wide pedestrian thoroughfare between facing retail and commercial frontages, which has been laid with quality, modern paving materials. The existing street furniture is concentrated within an area along the eastern length of the street, demarcated by different paving, and the streetlighting and benches are typically contemporary in their appearance.
9. The proposed communication hub and would be around 2.6m high and 1.3m wide. On one side it would incorporate a LCD screen to show static advertisement images (1895mm x 1065mm in size), and on the other side it would incorporate a multi-purpose communication hub, including touchscreen, providing Wi-Fi, phone charging, messaging facilities, free calls to landlines and charities, wayfinding, and a defibrillator. The hub would have a simple, contemporary design and would be relatively narrow in its profile (around 317mm depth). Because of its size (particularly its height), it would be a prominent and noticeable feature within the streetscene.
10. Although the hub would be viewed in the context of the relatively modern retail and commercial frontages and street furniture of Newport Street, from the south, it would be seen against the backdrop of the Town Hall (in part, the front elevation is visible) and Victoria Square, which has an open aspect. The

orientation of the proposed hub, positioned directly facing pedestrians, means it would appear as a flat panel when viewed from the south towards Victoria Square. This, in combination with its size, would result in an unsympathetic, incongruous addition to the streetscene, partly obscuring the longer south-north views along Newport Street, recognised as positively contributing to the character and appearance of the CA. Further, although simple, the contemporary design and its illumination, both the touch screen and the advertisement panel with its changing images, would draw the eye to the proposed hub (as intended), increasing its visual prominence to the detriment of this particular part of the streetscene.

11. I find the proposed hub would, therefore, fail to conserve or enhance the character or appearance of the CA and would harm the wider visual amenity of the streetscene. However, in view of the limited scale of the proposal and its localised nature, the degree of harm arising would be less than substantial.
12. Paragraph 208 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As described above, the proposed hub would provide a range of services, and a defibrillator. It would be powered by renewable energy, with a solar panel to provide additional energy for the canopy lighting. It would also include design features to prevent crime and antisocial behaviour, plus an emergency call button. It could support businesses, provide information on local events, and assist the vitality of this part of the town centre.
13. I am mindful of the consultation response from Bolton's Town Centre Manager that there is no need for additional defibrillators in the proposed area, but nevertheless find this element a clear public benefit. However, even acknowledging the support in the Framework for high quality communications, overall I do not find the public benefits from the proposal in this case would outweigh the harm to the character and appearance of the CA.
14. Regarding Appeal A, for the reasons given above, the proposed hub would cause unacceptable harm to the character and appearance of the Town Hall Conservation Area. Accordingly, it would fail to comply with policies CG3.2 and TC11.1 of Bolton's Core Strategy (2011), insofar as they seek to ensure that development has regard to the overall built character of an area, protects, strengthens and enhances the distinctive townscape qualities, and conserves and enhances the special nature of conservation areas. I have not been provided with a copy of the Council's *Supplementary Planning Document 'General Design Principles.'*
15. For the same reasons, it is concluded that Appeal B would harm the visual amenity of the area.

Conclusion

16. For the reasons given above, both Appeal A and Appeal B are dismissed.

R. Jones

INSPECTOR

