



Appeal Decisions

Site visit made on 1 February 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07.03.2024

Appeal A Ref: APP/N4205/W/23/3328263

6 Oxford Street, Bolton BL1 1RF

- 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 Metropolitan Borough Council.
- The application Ref 15859/23, dated 21 April 2023, was refused by notice dated 19 July 2023.
- The development proposed is Installation of a communication hub unit with a defibrillator.

Appeal B Ref: APP/N4205/H/23/3328313

6 Oxford Street, Bolton BL1 1RF

- 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 JCDecaux UK Limited against the decision of Bolton Metropolitan Borough Council.
- The application Ref 15860/23, dated 21 April 2023, was refused by notice dated 19 July 2023.
- The advertisement proposed is Erection of digital LCD advert screen on proposed communication Hub.

Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out above, there are two appeals on this site. Appeal A relates to the physical structure of the communication hub with a defibrillator (AED). Appeal B relates to the digital LCD advertisement screen which would be sited on the communication hub (the hub). I have considered each proposal on their individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The application forms refer to the site as being '6 Oxford Street'. However, the Council's decision notice and the appeal forms refer to 'Pavement outside 4-6 Oxford Street' which, on the basis of the submitted plans, is a more accurate description of the appeal site. I shall determine the appeals on the basis of this site address.
4. In respect of both appeals, there are duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This duty requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issue

5. Whether the communication hub and advert screen would preserve or enhance the character or appearance of the street scene, with particular regard to the Town Hall Conservation Area.

Reasons

6. The appeal site is located within the Town Hall Conservation Area (CA) which is bound by Black Horse Street in the west, and properties fronting Victoria Square to the east. The significance of the CA is derived from its characteristic of wide-open areas of public space, the most prominent of these is situated in front of the Town Hall, with tall and imposing buildings which enclose the space and restrict views beyond them. Oxford Street emphasises views towards the Grade II listed Town Hall and this makes an important contribution to the CA. The hub would occupy a small piece of space at the head of Oxford Street close to the open town square which fronts the Town Hall.
7. Oxford Street is a short commercial street which contains several permanent fixtures which make it unique. These include a large statue and engine wheel which is contained within a glass-built structure. These aspects contribute to the historical significance of the appeal site within the CA. I further noted an existing telephone hub would be sited near to the proposal during my site visit. The appeal scheme would add an additional element of street furniture into the street scene which would include a degree of illumination from the advertisement display.
8. When approaching the hub from Deansgate, along Oxford Street towards the Town Hall, the hub would be viewed within the setting of the Town Hall and its wide-open space. Even when taking the commercial context into account, the hub would appear as a modern addition in an area of existing modern communications infrastructure nearby. This would introduce a harm due to the cumulation of similar structures within the CA. More decisively, the design of the structure and its additional advertisement function with its associated screen lighting would be incongruous when seen against the verdant backdrop of open space and at odds with the large-scale buildings, such as the Town Hall which contribute to the setting of the CA.
9. As such, the hub would appear as a prominent, inharmonious and visually intrusive feature in the street scene, and would thus fail to preserve or enhance the character or appearance of the CA. I further conclude that the introduction of a visually prominent and contemporary designed communication hub, with its element of illumination would fail to preserve the CA and would provide additional street clutter of a similar design to an element already found within close distance to the appeal site.
10. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the accumulation of similar structures and the modern appearance of the hub, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under

such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

11. The proposal would be a combined advertisement and AED communication hub which would have the possibility of other beneficial uses such as an air quality monitoring, pedestrian flow monitoring and a CCTV station. Additionally, the hub would have further benefits such as its central location in a pedestrian retail area, positioned to enable sufficient footpath width. This could support businesses and the vitality of the area. The hub has also been designed to incorporate sustainable features. However, no specific evidence has been provided to demonstrate any specified need for a hub in this location, how the hub could support vitality and businesses or any identified need for the monitoring equipment of the hub to be sited in this location.
12. Even when acknowledging the support in the Framework for high quality communications, these public benefits would be modest. The identified public benefits would fail to outweigh the less than substantial harm to the designated heritage asset, which would not have a clear and convincing justification, as required by the Framework. However, the identified public benefits would fail to outweigh the less than substantial harm to the designated heritage asset, which would not have a clear and convincing justification, as required by the Framework.
13. To conclude, given the above, I find that the proposals would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals. By reason of the failure to conserve or enhance the CA, I find that Appeal A would cause unacceptable harm to the character and appearance of the street scene. As such, it would conflict with Policies CG3 and TC11 of the Bolton Core Strategy Development Plan Document 2011. For the same reasons, insofar as these policies are a material consideration, it is concluded that Appeal B would harm the visual amenity of the area and would conflict with these policies. These policies seek to conserve and enhance local distinctiveness, ensuring development to have regard to the built character and to conserve and enhance the significance of heritage assets and areas.

Other Matters

14. Various examples of other communication hub developments have been provided in the evidence by the appellant. I note that these are not within close distance to the appeal site. Each application is made and assessed on its own merits. Whilst these examples are a material consideration, I have not been provided with an officer report to attain the reasoning behind this decision, or any similarities between each case which could be applied to this appeal.
15. In my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when undertaking an assessment of Appeal A, special regard must be had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The heritage significance of the Grade II listed Town Hall, as informed by the Town Hall Conservation Area Appraisal, is principally due to its strong vertical emphasis, broad front stairs and rich detailing which stands in the centre and as a focal point of the wide and open square. The Council did not identify any harm to the Town Hall. I concur with this view.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. OR The material considerations do not indicate that a decision should be made other than in accordance with the development plan.

J Smith

INSPECTOR