



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: 7th March 2024

Appeal A Ref: APP/N4205/W/23/3328160

Pavement outside 47 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 15863/23, 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/23/3328161

Pavement outside 47 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 15864/23, dated 21 April 2023, was refused by notice dated 19 July 2023.
 - The development proposed is the siting of integral advertisement LCD screen for illuminated static displays within communication hub unit.
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Decisions

1. Appeal A is allowed and planning permission is granted for installation of a multifunctional communication hub with integral advertisement display and defibrillator on the pavement outside 47 Newport Street, Bolton BL1 1NE in accordance with the terms of application Ref 15863/23, dated 21 April 2023, subject to the conditions set out in a Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the siting of integral advertisement LCD screen for illuminated static displays within communication hub unit as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional conditions set out in the Schedule attached to this Decision.

Preliminary Matters

3. 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.

4. 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. The postcode for the appeal site differs between the planning application and advertisement consent application forms and the Council's decision notice; I have taken the postcode from the former.
5. 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, those 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

6. The main issue with respect to Appeal A is the effect of the proposed development on the character and appearance of the 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

7. The appeal site is within the pavement, on the eastern side of Newport Street, a pedestrian throughfare of more than 20m in width between facing retail and commercial frontages. I observed on my site visit that Newport Street is laid with quality paving materials and the existing street furniture, including streetlighting, benches, trees and bins, is concentrated within an area along the eastern length of the street; this is broadly demarcated by different paving.
8. The proposed communication hub 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, telephone, defibrillator and other services. The hub would have a simple, contemporary design and would be relatively narrow in its profile (around 317mm depth). Because of its size, it would nonetheless be a prominent and noticeable feature within the streetscene. It would, however, be sited within the area of street furniture described above, spaced between two existing benches and street trees. It would therefore assimilate well within the existing pattern of street furniture and would be in keeping with the retail and commercial context and character of the local area.
9. Further, although I observed that there is an existing BT Global advertisement screen to the south of the appeal site (on the same side of Newport Street), the proposal would not result in a particular concentration, or over-concentration, of street furniture, or cause visual clutter to this part of Newport Street. The proposal would have an element of illumination, however, this would not appear out of place alongside the fascia signage of retail and

commercial properties on Newport Street, some of which would be illuminated into the evening. The degree of illumination, as well as image movements, can also be controlled to ensure that the advertisements are not glaring or visually obtrusive, and would not harm the pedestrian experience, either during the day or nighttime.

10. Accordingly, the proposals would not have a harmful effect on the character and appearance of the area or on visual amenity. The proposals would therefore accord 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 and protects, strengthens and enhances the distinctive townscape qualities. I have not been provided with a copy of the Council's Supplementary Planning Document '*General Design Principles*.'

Conditions

11. In respect of Appeal A, in addition to the standard timescale for implementation, I have imposed a condition specifying the approved plans, in the interests of certainty.
12. In respect of Appeal B, the Regulations impose five standard conditions. In addition to these, in the interests of visual amenity, I consider it necessary to impose conditions restricting the illumination of the display and that the display shall not change at a frequency of more than once every 10 seconds, that there shall be no moving or apparently moving images, or sequencing of images over more than one display, and that the interval between successive displays should be instantaneous.

Conclusion

13. For the reasons given above, I conclude that the appeals should be allowed subject to the conditions detailed in the attached Schedule.

R. Jones

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A02189 – Site Plan & Images.

Appeal B

The consent is for five years from the date of this decision and in addition to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, is subject to the following conditions:

- 1) The maximum luminance levels of the advertisement display hereby approved shall not exceed 300 cd/sqm during hours of darkness.
- 2) There shall be no moving, or apparently moving images, or sequencing of images over more than one display.
- 3) The display shall not change more than once every 10 seconds and the interval between successive displays shall be instantaneous (of no greater than 1 second).