



Appeal Decision

Site visit made on 26 November 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/J3720/W/24/3349025

Crowne Plaza, Bridgefoot, Stratford-upon-Avon, CV37 6YR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MBNL (EE Ltd and H3G UK Ltd) against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03285/FUL.
 - The development proposed is the installation of 3 No. tripod support poles supporting 2 No. antenna apertures each (6No. antenna apertures in total), the installation of 4No. 600mm dishes on new support poles, the installation of 4 No. cabinets on new steelwork frame at rooftop level, and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a revised National Planning Policy Framework (the Framework) was published in December 2024 that replaces the previous version published in December 2023. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
3. There is no statutory duty with regards Scheduled Monuments, but as Clopton Bridge is also a listed building, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving listed buildings or their settings. In exercising planning functions under section 72(1) of the Act I am also required to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Main Issues

4. The main issues are:
 - Whether the proposal would i) preserve the setting of the Grade I listed building known as 'Clopton Bridge and attached former Toll House'¹ (hereafter Clopton Bridge) and ii) preserve or enhance the character or appearance of the Stratford-upon-Avon Conservation Area, and

¹ National Heritage List for England: list entry number 1204167

- If finding harm to a heritage asset, whether it would be outweighed by any benefits, including the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

5. The appeal site comprises the roof of the modern Crowne Plaza hotel (formerly the Moat House Hotel), a building of unremarkable architectural merit. It is situated in the centre of Stratford-upon-Avon close to the River Avon and canal marinas and areas popular with visitors and tourists.
6. The appeal proposal would be a replacement telecommunication installation to replace the loss of services and network coverage following the decommissioning of a town centre operational telecommunications base station site on the former BHS retail building, to the west of the appeal site. The proposed installation would be a joint venture between the two operators EE(UK) Ltd and H3G(UK) Ltd, who would pool their basic infrastructure while running two independent nationwide networks.

Special interest and significance of the heritage assets

7. Clopton Bridge is a Grade I listed building to the south of the Crowne Plaza. The stone bridge, with 14 segmental arches, is also a Scheduled Monument². It dates from circa 1484 with 16th and 17th century repairs and was originally built attached to a causeway to the west. It has been widened with a cantilevered cast-iron pedestrian footway along its north side, set on lattice work brackets with enriched spandrels and scrolled supports, which was made by the Eagle Foundry in Birmingham. A 10-sided toll house was built in about 1814 with platt band and crenelated parapet.
8. The special interest and significance of the listed building, insofar as it relates to this appeal, is derived in part from its architectural and historic interests. Its age, traditional construction, surviving historic fabric, detailing and its location at an ancient crossing point of the River Avon all contribute to its importance as a surviving medieval bridge forming a significant landscape feature. Historic associative interest is also drawn from the bridge having been built for Sir Hugh Clopton. The bridge is also part of the wider river scene and historic townscape of Stratford.
9. The special interest and significance of a heritage asset also stem in part from the immediate and wider surroundings in which it can be experienced and its significance appreciated. Clopton Bridge remains a fully working crossing point over the River Avon and a main vehicular and pedestrian thoroughfare into and out of Stratford. From the bridge there are views of the river and boats, landscaped verdant river banks, the Royal Shakespeare Theatre and the old Tramway Bridge spanning the river. Approaching the town and getting closer to the Toll House, through a substantial gap in the trees to the east, there are direct and uninterrupted views of the marina, boats and marina building. Behind this tranquil view, the simple and blocky profile of the Crown Plaza and its roof is clearly visible. There are no other buildings rising behind the Crowne Plaza so the hotel roof is on the skyline and is largely free of visible structures. This view is captured in the appellant's Photomontage Report of viewpoint 1.

² National Heritage List for England: list entry number 1003739

10. As a pedestrian on the cantilevered walkway, and segregated from the road traffic, these views are experienced more slowly and for longer than when in a vehicle. The experience provides an unusual perspective of being able to walk alongside the bridge from 'outside', being able to look at its side as well as down onto the water and the marina in a more intimate way. The appeal site, although a modern building, forms a backdrop to this arresting view and positively contributes to the wider setting of Clopton Bridge and its significance.
11. The pedestrianised stone arched Tramway Bridge, a short distance to the west, which is also a national cycle route, affords uninterrupted views directly towards Clopton Bridge. Views of Clopton Bridge are also experienced from nearby footpaths, pleasure boat landing stages, and from users of the river. Thus the immediate and wider settings of Clopton Bridge contribute in a very tangible and positive way to its heritage merit and as a striking landscape feature.
12. The appeal site is also located within Stratford-upon-Avon Conservation Area (the SuACA) which covers the historic medieval core of the market town, including Shakespeare's birthplace and the main retail and commercial areas. The SuACA also straddles the River Avon and includes Clopton Bridge, the canal basin and marina, the Royal Shakespeare Theatre and the open spaces and gardens adjacent to the river. The Bancroft Gardens are a significant landscape element and setting to the canal basin and theatre and to the Gower Memorial, which is a large public monument celebrating the life and works of Shakespeare featuring a statue of the playwright with characters from some of his plays.
13. The Crowne Plaza hotel is set behind a grassed foreground, around which are planted trees. These help provide some screening of the modern hotel from the road, as well as providing a verdant approach to Clopton Bridge along Bridge Foot and a backdrop to the Gower Memorial and Bancroft Gardens. Through the trees, albeit without leaf at the time of my visit, the roof of the Crowne Plaza is visible from the Gower Memorial and the Bancroft gardens, and Photomontage viewpoint 2 shows the continued visibility even when the trees are in leaf. This area around the hotel and river, including modern office buildings, the Leisure Centre and public car parks, is more open and reflective of the later outward growth of this part of town along the river. For those using the car parks to the north of the appeal site, the Crown Plaza is a prominent building they pass on their way into the town, to the theatre and the river.
14. From the evidence before me and what I saw during my site visit, the character and appearance of the SuACA, and thus its special interest and significance, are in part derived from the architectural richness and variety of its historic buildings, historic street patterns, and relationship of buildings and spaces including with the river and the canal, reflecting the economic and social growth and evolution of Stratford and its expansion from the old core. The town also has historic associative interest as the playwright Shakespeare was born and lived in Stratford, and this has contributed to the town's popularity with visitors and tourists, many from overseas.
15. The appeal site is therefore an integral part of the character and appearance of the SuACA as a whole, and to the more immediate area around the river, theatre, the Gower Memorial and Bancroft Gardens, which I saw were popular with visitors walking around and taking photographs, even in November.

Effect of appeal proposal on significance

16. The proposal would involve erecting a variety of telecommunications equipment on the flat roof of the modern Crowne Plaza hotel. The installations would occupy two main areas of the roof: one towards the southern end closest to Clopton Bridge and another more in the middle towards the northern end.
17. To the southern end of the roof there would be a tripod frame with 2 vertical antenna and 1 x 600mm diameter transmission dish sited lower down. The northerly grouping would comprise 2 tripod frames each with 2 vertical antenna. One tripod would have a 600mm diameter dish, and the other would have 2 dishes. The plans are annotated to include 5 cabinets in total, although the description says 4. There would also be various ancillary development on the roof such as ladders, handrails, cables, grills and fixings.
18. The proposed tripods and antenna would rise about 6m above the roof. The installations, together with the dishes and ancillary structural supports and handrails, would be visual intrusions that would disrupt the clean lines of the roof. With no other buildings or roofscape as backdrop, the proposed installations would also punctuate the skyline, as is evident on the photomontages. The proposal would introduce clutter the roofscape of a prominent building that would be visually detrimental.
19. The submitted photomontage for Viewpoint 1 from Clopton Bridge shows how the installations would be visually jarring and a modern intrusion to an otherwise tranquil scene. The effect would be to weaken the authenticity of experiencing Clopton Bridge and the ability to appreciate its significance, with detrimental consequential effects on its setting and thus the contribution the setting makes to the listed building's significance. Hence the telecommunications installation would fail to preserve the setting of the listed Clopton Bridge and harm its significance.
20. With regards the effect on the SuACA, the rooftop installations would be clearly seen when driving along Bridgeway, a main route through the town. I saw that Bridgeway was a well-used walking route from the public car parks to the north and west of the appeal site and that the Crown Plaza is a prominent and large building that dominates a significant stretch of the route. The submitted photomontage of viewpoint 3 does not reveal the full visual impact of the proposed installations as one approaches the bend in the road and walks alongside the hotel to get to the river, theatre and town centre. Almost the entire elevation of the hotel, its roof and the proposed telecommunications installations would be very visible.
21. The grassed open area in front of the hotel, with demarcated footpaths crossing it on both diagonals, would be overlooked by the proposed installations, particularly the grouping of equipment to the roof's southern end, despite being set back from its edge. This would be visually discordant, as well as spoiling the appearance of the hotel in this prominent location.
22. From Bancroft Gardens and the footpaths around the marina and the Gower Memorial, the roof of the Crown Plaza is visible. When there is no leaf cover, for at least 6 months of the year, the jagged vertical structures would be visible and detract from the attractive surroundings. As shown in photomontage viewpoint 2, at some angles the rooftop installations would be viewed above Shakespeare's head on the Gower Memorial. This would be visually incongruous and compete with views of the Memorial and erode the appreciation of the monument, as well as the

experience of people enjoying the tranquil car-free landscaped surroundings around the theatre and gardens and degrade the character and appearance of the SuACA.

23. Drawing all the above points together, the proposed development would fail to preserve the setting of the Grade I listed Clopton Bridge, which is also a Scheduled Monument. The proposal would also fail to preserve or enhance the character or appearance of the Stratford-upon-Avon Conservation Area. Consequently, the proposal would harm the significance of these designated heritage assets.

Public Benefits and heritage balance

24. The Framework states that heritage assets are an irreplaceable resource. Paragraphs 212 and 213 of the Framework state that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset, from its alterations or destruction or from development within its setting, should require clear and convincing justification.
25. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 require the magnitude of that harm to be assessed. Given the nature and extent of the proposed development against the advice in the Framework I find the harm to both the significance of the listed building and the SuACA would be 'less than substantial'. Nonetheless, a finding of less than substantial harm still carries considerable importance and weight.
26. The Framework, as a material consideration, recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social well-being and that planning decisions should support the expansion of networks, including next generation mobile technology such as 5G. Framework paragraph 120 advises that the number of masts and sites for installations should be kept to a minimum, and existing masts, buildings and other structures should be encouraged. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
27. Two operators would share the rooftop site that would provide replacement 2G, 4G and 5G coverage and network capacity lost by the decommissioning of the site on the roof of the former BHS store. The installations have also been designed for potential future network expansion. However, the cells need to be generally small and located close to the area requiring coverage. This is a busy area of Stratford with many commercial, business, retail and other users including tourists, and gaps in coverage can leave network users with limited or no services.
28. The appellant has looked at and discounted a number of other sites for a variety of reasons that include the roof tops of the leisure centre, Bridgeway car park, Bridgeway House and a primary school. Some of these roofs are not structurally strong enough. The roof of the leisure centre would be too low, such that the equipment would need to be larger and hence the appellant has dismissed this for visual reasons. However, it sits in a different context to the appeal site and is further from both the Grade I listed Clopton Bridge and from the popular area by the river and Bancroft Gardens. There is no mention of how much bigger or taller the installations would need to be and no comparative drawings to demonstrate this.

29. The appellant has dismissed ground base locations for not being the preferred 'planning option' and that some locations would have insufficient space on a verge for example. However the Framework does not preclude them. During my walk around I saw that the Riverside car park, close to the leisure centre off Bridgeway, does not appear to have been included in the alternative site search, discussed or discounted for example. It lies within the red cordon area shown on the aerial view of discounted options. It also lies closer to decommissioned site than some of the other discounted options and is on the edge of the SuACA and further from the river and Clopton Bridge.
30. I find the reasons for dismissing some of the sites lacks detailed justification and I am not satisfied that a thorough enough review of possible site options within the search area has been conducted, when there appear to be other potential sites. Discounting a ground base station just because it is not a preferred 'planning option' is too simplistic and not a detailed enough justification when a rooftop installation may cause greater harm.
31. This therefore makes it difficult to understand how or why the choice of the appeal site was arrived at. Consequently, in this instance the weight I ascribe to the public benefits of the proposal being at the appeal site is not sufficient to outweigh the considerable importance and weight I attach to the harm that would be caused to the significance of the listed building and the SuACA. Accordingly the proposal would fail to preserve the setting of the Grade I listed Clopton Bridge and would fail to preserve or enhance the character or appearance of the SuACA. The proposal thus fails to satisfy the requirements of the Act and the provisions of the Framework.
32. It would also conflict with Policies CS.8, CS.9 and CS.13 of the Stratford-on-Avon Core Strategy and Policies BE2, BE5 and BE8 of the Stratford-upon-Avon Neighbourhood Development Plan. Collectively these seek, amongst other things, to ensure high quality design that responds to local character and surroundings. Development must protect the setting of listed buildings and Scheduled Monuments as well as protect and enhance a range of historic and cultural assets that contribute to Stratford's historic townscape and sites associated with William Shakespeare, to maintain the town's international and cultural importance.

Other Matters

33. The Council refers to a number of listed buildings in the vicinity of the appeal site, but that only the setting of Clopton Bridge with attached former Toll House would be harmed. The Grade II listed Pen and Parchment Public House³ and the Grade II listed Principal Timber Warehouse at Cox's Timber Yard⁴ lie in the vicinity of the appeal site. Their special interest and significance are largely derived from the architectural and historic interest as examples of buildings that formed part of Stratford's commercial and social evolution. Their settings are relatively confined with little intervisibility with the appeal site. From the submitted evidence and my observations on site I am satisfied their settings would be preserved.
34. The appellant draws my attention to a number of appeal decisions⁵ allowed for other telecommunication installations. Some decisions involved heritage assets

³ National Heritage List for England: list entry number 1187763

⁴ National Heritage List for England: list entry number 1204198

⁵ APP/N500/W/20/3250662, APP/Z5060/W/21/3279350, APP/V5570/W/20/3246770 and APP/X5990/W/21/3270675

whereby the Inspectors found the public benefits of the rooftop telecommunications installations outweighed the harm to the heritage assets in the absence of alternative sites. The other examples involved no heritage assets, but consideration of the character and appearance of the area, one of which was for a 20m high base station monopole on a pavement. I do not have the full details of the proposals, but they were all in and around London. From my reading of the decisions, the installations were proposed on different types of buildings, in different contexts, street scenes and built environments. The decisions do show that in certain instances public benefits can outweigh harm caused to heritage assets or areas of importance, but they are not directly comparable to the appeal site and proposal before me. All appeal decisions turn on their own particular circumstances based on the facts and evidence before those Inspectors at the time, and I must consider the appeal before me on its own merits.

35. To meet health safeguards, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Conclusion

36. For the reasons given above, I conclude the appeal should be dismissed.

K. Stephens

INSPECTOR