

Appeal Statement

**Installation of New BT Street Hub and Associated Display of
Advertisement Panels to Both Sides of the Unit.**

3-HIN001

**Footpath outside 54 Castle Street, Hinckley LE10 1DB
(E:442811 N:293969)**

Hinckley and Bosworth Borough Council

25/00847/FUL & 25/00836/ADV



Submitted on behalf of BT (appellant)

by

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1.0 Introduction

- 1.1 This submission is a view of the planning matters relating to the proposal based on the information provided by third parties. All technical and background information, which forms part of this submission, is assumed to be factually correct and accurate.
- 1.2 Telent has been instructed by BT Plc to appeal against Hinkley and Bosworth Borough Council's decision to refuse planning permission (LPA Ref: 25/00847/FUL) and express advertisement consent (LPA Ref: 25/00836/ADV) for the development of 'Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit' at the footpath outside, 54 Castle Street, Hinckley LE10 1DB (E:442811 N:293969).
- 1.3 Both of these planning applications were refused by Council on 16 January 2026, for the following reasons:

Full Planning

- The proposed BT Street Hub by virtue of its design, scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. Whilst the BT Street Hub would have some public benefits, the proposal would lead to less than substantial harm to the Hinckley Town Centre Conservation Area such harm far outweighs the associated public benefits. The development is therefore considered to be contrary to Policies DM10, DM11, DM12, DM16 and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).*

Express Advertisement Consent

- The proposed advertisement by virtue of its design scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape and Hinckley Town Centre Conservation Area. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. The development is therefore considered to be contrary*

to Policies DM10, DM11, DM12, and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).

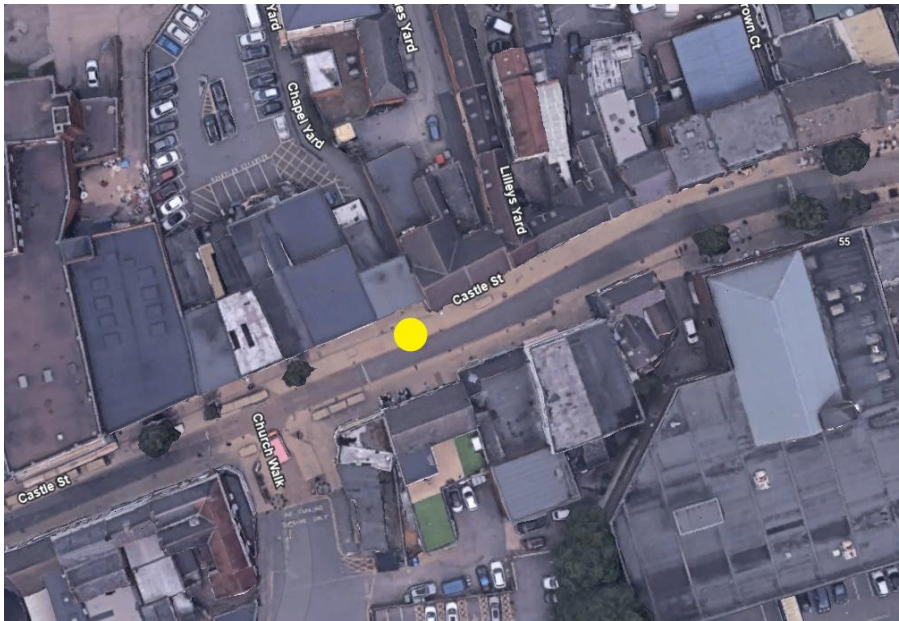


Figure 1 – Aerial view of the appeal site indicated by the yellow dot.



Figure 2 – Photograph of the appeal site streetscene on New Street.

The appellant's case comprising a number of interrelated sections which will:

- describe the appeal site and surroundings in respect of visual character of the area (Section 2),

- provide a background to the street Hub project for the appeal proposal and general statement in respect of health and safety issues (Section 3),
 - describe the regulatory framework and planning policy framework, in relation to the proposal, in terms of both the national and local policy (Section 4),
 - focus on the grounds of appeal and the Council's reason for refusal (Section 5),
 - other relevant planning appeal decisions (Section 6), and
 - submit our conclusion (Section 7).
- 1.4 Reference will be made to the background papers that comprise the application and further information attached as appendices to this statement (if applicable), and it may expand on the documentation to support an opinion.
- 1.5 A separate appeal will be made to the accompanying application refused by the Council at this appeal site.

2.0 Application Proposals and Appeal Site Description

Application Proposals

- 2.1 The relevant application proposals was for the installation of a new BT Street Hub with associated LED digital display of advertisement on either side of the unit at the location outlined below. In 2017, BT started working as part of an exclusive partnership with InLinkUK to ensure communities in urban areas throughout the United Kingdom are well-served in the digital age through the roll out of 'InLink' units. These were developed and deployed to replace and rationalize the existing network of payphones.
- 2.2 Through collaboration with councils, BT helped in creating a service that revolutionized streetscapes and helped in providing a connected city solution that delivers the fastest and most robust free public Wi-Fi service in the UK. Councils across the UK have used the InLink units to meet key challenges head-on, upgrading local infrastructure, tackling the digital divide, and freeing the street(s) from unnecessary furniture.
- 2.3 Unfortunately, InLinkUK (who were supplying the units to BT within the partnership) went into administration in 2019, and, as such, the InLink product is no longer available. Since then, BT have been working on a new and improved unit - the 'Street Hub' (see figure 3). The Street Hub has all the existing benefits of the previous InLink unit, but has improved Wi-Fi range, environmental sensors, insight counting and small cell mobile connectivity. This addition of the 5G small cells to Street Hubs is very much in line with current UK Government's guidance on communications infrastructure and the National Infrastructure Strategy. Consequently, when installed, residents, local businesses and visitors will get a faster, more reliable connection for calls and internet access
- 2.4 Additionally, these new units will be monitored 24/7, with weekly inspections and a minimum of bi-weekly cleaning services to keep the unit to a high standard of finish within the existing streetscape. All units will be fitted with a direct 999 call button to aid in the efficiency of operations of the emergency services, with emergency (i.e. Police) awareness messaging shown via their advertising screens on either side of the unit. Furthermore, Street Hubs are powered by 100% renewable carbon-free energy, making them sustainable and durable for years to come.
- 2.5 Whilst the main function of the Street Hub is to provide free electronic communications services, the funding of such services, whilst not being at the expense of the public purse, requires commercial viability and this is

provided by the advertising revenue from the integrated LED digital screens, one located either side of the Street Hub unit. Separate applications for full planning for the proposed Street Hub unit as well as for express advertisement consent were submitted to the Council and duly refused. The accompanying application refused forms the subject of a separate appeal under the relevant consenting regime, as outlined in the foregoing section.

- 2.6 The location of the appeal site is shown in the drawings forming part of this appeal and as submitted to the Council (see Figures 1 & 2 of this statement).



Figure 3 – Evolution of BT telephone kiosk estate.

Appeal Site Description

- 2.7 The appeal site comprises section of public footpath outside, 54 Castle Street, Hinckley LE10 1DB (E:442811 N:293969). This proposal seeks approval to remove the 1No. BT phone booth that exists at site to an upgraded singular Street Hub unit.
- 2.8 The site is located on a wide portion of pedestrian footway to the north of Castle Street which is pedestrianised thoroughfare. The unit is proposed on the northern side of the footway in line with existing infrastructure and temporary hoarding signs, maintaining the primary walkway along Castle Street for emergency vehicle access. Castle Street is enclosed by commercial tenancies to the north and south that continue to the east and west. To the south-west is the entrance to the pedestrianised area that adjoins Church Walk.
- 2.9 The immediate area is characterised by a vibrant mix of commercial premises, including national retailers and independent shops, with upper-floor office and residential tenancies typical of the town centre setting. The proposal itself would be positioned directly outside of the Loros Charity Store and adjacent

local retail tenancies. The surrounding commercial tenancies include a fascia advertising that vary in colour and materiality.

- 2.10 The broader advertising theme of the surrounding area is predominantly defined by the fascia advertising associated with these commercial sites as well temporary hoarding signs that are positioned on the footway in association with retail shopfronts.
- 2.11 Despite the ground floor modern and commercial surroundings, it is important to note that the site is located within the Hinckley - Town Centre Conservation Area. The site is also located nearby Snowews (Grade II listed building) and four Seasons Fruiterers (Grade II listed). Potential impact of the development on these important heritage assets is a key consideration, discussed in detail within the applicants Heritage Statement and further within this statement of case.
- 2.12 As mentioned, the proposal includes the removal of 1No. existing BT phone box that exists at this location. The removal of this phone box will assist in the decluttering of footpaths in the wider area and enhance the broader area's visual amenity.
- 2.13 Details of the kiosk proposed to be removed is provided in the table below.



Figure 4 – Proposed BT payphone kiosks set to be removed as part of the development.

3.0 Background to the Street Hub Project in the Council Area: Need for the Site

- 3.1 This application is part of a wider scheme of BT Street Hub implementation throughout the U.K. In terms of roll-out, where possible and practicable, it is proposed to install Street Hubs either as a direct replacement for existing BT payphones, or in very close proximity to such payphones. As these existing payphones will be removed it should minimise impact on existing streetscenes by reducing street clutter, or at least not adding to it at particular locations.

In this instance, the proposal would see the introduction of a new Street Hub at the appeal site and removal of existing phone kiosks within the wider locale and this site forms part of a strategic package of applications submitted to the Council, containing a number of Street Hubs located within existing streetscapes in the Council area.

- 3.2 A Planning, Design and Access Supporting Statement was submitted as part of the full planning and express advertisement consent applications which provides technical details of the Street Hubs, a justification for the proposal's in terms of its siting and appearance and the added benefits it will bring to the public realm areas of this part of the Council area in terms of the modern services it provides to the public, visitors and business alike.
- 3.3 It is contended by the Appellant that in their determination of the applications, the LPA overestimated their consideration in respect of visual amenity concerns, particularly when considering the existing street scene and similar forms of development nearby meaning it would not be, as considered in the decision notice for full planning, visually incongruous. The need for modern and reliable telecommunications networks not something that the council should query as the NPPF is clear in its view that Local planning authorities should not 'question the need' for such infrastructure.
- 3.4 The Appellant considers that in terms of the Council's assessment against its development plan policies they did not give sufficient consideration to the benefits of the electronic communications infrastructure in the planning balance against any perceived visual harm to the locale. Or indeed consideration in terms of the proposal seeing replacement of a piece of infrastructure that form part of the appellants existing estate and which has been a long-established piece of the street scene.
- 3.5 It is considered that modern cities and its inhabitants and visitors expect high level mobile communications network technology, whether this be Wi-Fi, or

mobile services networks. The fact that free W-Fi network is to be provided in the Council area via the Street Hub has not been given due weight by the Council in their determination of the Street Hub's visual impacts is contended. This Wi-Fi communications network would be free to the user and would not cost the Council to install or maintain. The main benefits as a result of the street hubs could be summarised as follows;

- Ultrafast public and encrypted Wi-Fi
- Access to public services
- Multiple accessibility options
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Secure power-only USB ports for rapid device charging
- Free phone calls Direct 999 call button
- Display community and emergency (i.e. police) awareness messaging
- Environmental sensors to measure air quality, noise, traffic and more.
- Improved 4G and 5G coverage to local communities (through the installation of small cells if/when required by operators)
- 876 hours of free council advertising per unit per year
- Ability to house IoT sensors such as air quality, traffic etc.

3.6 These benefits in addition to those provided by a traditional BT payphone (1No. to be removed as part of the proposed development and in essence a direct upgrading of the appellants kiosk estate) should be given significant weight in the planning balance as required by the development plan and policy guidance in NPPF (2024) against the consideration of any visual harm that may be predicted due to the alleged prominence of the Street Hub. For clarity, the existing kiosks to be removed forms part of the appellants estate and are still in use and will remain this way if the appeal proposal cannot be progressed.

3.7 As discussed, in some instances the proposal will not see the replacement or 'relocation' of nearby infrastructure, and will see the installation of a new unit, and in such instances additional kiosks will be removed from elsewhere within the council area (as identified by the appellant), and when considering their Ofcom requirements to provide public infrastructure. The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the borough whilst enhancing the functionality of the Council's streetscene and use.

4. Planning Policy Framework

- 4.1 In accordance with the planning act the consideration in terms of the appeal proposal's determination regard should be had of the development plan and it determined accordingly unless material considerations indicated otherwise.

National Planning Policy and Guidance

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

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out the Government's advertisement control planning policies for England and how these are expected to be applied and is considered to be a material consideration for the Express Advertisement Consent application. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) state the following specifically in relation to advertisement control:

PART I – Section 3

Powers to be exercised in the interests of amenity and public safety

- 3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
- (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- (2) Without prejudice to the generality of paragraph (1)(b)—
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of

security or surveillance or for measuring the speed of any vehicle.

- (3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
- (4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

National Planning Policy Framework (December 2024)

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a ‘presumption in favour of sustainable development’ seen as a golden thread, running through both plan making and decision taking’. The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth.

In this regard the Framework can be summarised as follows:

- Government policy is to support high quality communications infrastructure and systems as essential for sustainable economic growth;
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to a minimum;
- The best way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites;
- The starting point for planning new networks or the expansion of existing networks is therefore to use existing electronic communications sites as and when applicable;
- The emphasis on minimising environmental impact is greater per the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances;
- Best practice encourages a consultative approach and one that seeks to minimise potential visual impact and
- Great weight should be given to conserving landscape and scenic beauty in certain specified designated landscapes, e.g. National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, etc.

The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. This is emphasised in paragraph 10 of the NPPF, which states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, enhancement and improvement to existing communications infrastructure.

Paragraph 11 of the NPPF state that for 'decision-making', the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As such, development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully with all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

The importance of the proposed development in providing the upgrading and enhancement of the existing public phone kiosk network is clearly an important material planning consideration as it directly supports sustainability and is also precisely the type of new digital infrastructure that the NPPF is seeking to support. The development proposed is comparatively small scale, sited where the principle of telecommunications development has been long established and therefore accepted, designed

in a way that is predominately consistent with the existing infrastructure setup and so should be acceptable in every respect.

However, for completeness we still highlight some of the key points within the NPPF as they help demonstrate why the application should be permitted:

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: *“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” [our emphasis];*

Paragraph 20 advises that strategic policies should *“make sufficient provision for.....telecommunications” and that it should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”*

Paragraph 38, on “decision-making” states that authorities should *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”*.

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 85 states: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation....’*

As highlighted previously, the NPPF directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA’s strategic policies must make sufficient provision for:

“b) infrastructure for transport, telecommunications (our emphasis), security, waste management, water supply, wastewater, flood risk and

coastal change management, and the provision of minerals and energy (including heat)”

Leading on from this, paragraph 119 states that “*Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.....*”. This wording echoes guidance set out in previous version of NPPF and emphasises the importance of reliable communications infrastructure for both economic growth and social well-being.

While supported, paragraph 120 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 123 retains the guidance set out in previous versions of the NPPF version and states that “*Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure*”.

As can be seen from the above, the NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this must include an understanding of the associated special problems and technical needs of developing and upgrading communications networks.

In addition to the above, paragraph 141 highlights that “*the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control*

only in the interests of amenity and public safety, taking account of cumulative impacts”.

In the case of this proposal site, the installation of the Street Hub unit would provide a modern, multifunctional alternative to the traditional ‘mast’ that would act as a communication hub within a dense urban area, while ensuring that the character of the area is not significantly adversely impacted upon in respect of matters relating to amenity and public safety.

Public benefits are defined within the NPPF and could be anything that delivers economic, social or environmental progress. Benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the Communities and Local Government Planning Practice Guidance (“PPG”), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings.

“...for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.”

It further advises that; *“This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.”*

On matters of Public Safety, the PPG states that:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-

board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.”

Code of Best Practice on Mobile Network Development in England (March 2022)

The Code of Best Practice has been fully revised in March 2022 and is now even more supportive of mobile network provision in line with Government aspirations that everyone should have access to the information super highway no matter where they are located whether that be in rural or urban areas. This Code provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England. It supersedes the Code of Best Practice on Mobile Phone Network Development (2016).

The principal aim of this Code is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

The development of such infrastructure must be achieved in a timely and efficient manner, and in a way, which balances connectivity imperatives and the economic, community and social benefits that this brings with the environmental considerations that can be associated with such development. The Code also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties. The Code also highlights that wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

The Code highlights that local planning authorities should support the deployment of digital infrastructure by:

- Incentivising connectivity: support the expansion of telecommunications networks, and take a ‘joined-up’ approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.
- Facilitating sites: engage with operators when new sites have been proposed and discuss site requirements.
- Engagement with operators: respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.
- Information and communication: ensure that members of the public can access information about any development proposals within their local area. Send communications promptly to an appropriate operator contact (or their representatives).

It also goes on to state that *‘The planning system plays a key role in delivering the digital infrastructure that we need, in a sustainable and well-designed way, especially as households and businesses become increasingly reliant on mobile connectivity’*. This is followed by highlighting that *‘There should be a presumption in favour of facilitating sustainable network development and, as such, operators and local planning authorities, as well as all other bodies involved in the deployment process, should work together to ensure connectivity needs are met and find viable solutions to deployment issues’*.

The Code highlights the Government’s Communications Policy and Planning Policy. It acknowledges that digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK. The Code indicates that recent changes in planning policy [and regulation] are intended to align with Government communications policy, where the ultimate goal is to achieve mobile coverage wherever it is needed. Furthermore, the Code also reiterates NPPF guidance in strongly supporting high quality communications infrastructure, which is seen as essential for sustainable economic growth.

Development Plan Policy

- 4.2 Section 70 of the Town and Country Planning Act 1990, as amended, requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material

considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

For the purposes of Section 70, the current adopted Development Plan document for Hinkley is the Hinkley and Bosworth Borough Council Local Development Plan (2006-2026), which is made up of the following documents:

- Core Strategy (2009)

The Local Plan is currently undergoing review for the 2020 to 2041 Local Plan, however, this has not yet been formally adopted and has not therefore been considered as part of this application.

Core Strategy (2009)

The current local plan is the Hinkley and Bosworth Borough Council Local Development Plan (2006-2026). The Local Plan (2006-2026) includes the Core Strategy which provides the vision and spatial strategy for the borough.

Whilst this document is considered dated, the following policy of is relevance to the proposal:

Policy 1: Development in Hinckley

To ensure development contributes to Hinckley's character and sense of place and that the town's infrastructure can accommodate the new development, the council will:

- *Expect development to respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable*
- *Require new development to respect the character and appearance of the Hinckley Conservation Areas by incorporating locally distinctive features of the conservation area into the development*
- *Require new development to enhance the poor public realm within the town centre*

Spatial Objective 2: Regeneration of Urban Centres

To deliver the regeneration of Hinckley town centre, as a vibrant, thriving sub regional centre, which provides opportunities for retail, leisure and commercial activities, whilst supporting the vibrancy and vitality of Earl Shilton, Barwell and Burbage as important urban local centres.

Spatial Objective 6: Infrastructure Provision

To ensure that development contributes to the necessary infrastructure required by new development, through provision of new, or where appropriate, enhancement of existing infrastructure (for example through appropriate developer contributions).

- 4.3 Details of the Street Hub design, its inclusiveness and accessibility are included within the **Planning, Design and Access Supporting Statement**. The award-winning design was created by urban design firm Antenna, led by Masamichi Udagawa whose work is displayed in the Museum of Modern Art in New York. It is appropriate for the Street Hub's function in terms of scale, form, quality of materials and sustainability.
- 4.4 The siting criteria, whilst taking into account the impact of the Street Hub in terms of the character and appearance of its proposed setting, also contain considerations of public safety, including pedestrian movement, sightlines and highway safety.
- 4.5 The impacts of the appeal proposal in terms of relevant material planning considerations were outlined in the Appellant's **Planning, Design, and Access Supporting Statement** and are further discussed in the following section containing their grounds of appeal against the Council's refusal to grant planning permission and advertisement consent for the Installation of the proposed Street Hub and associated advertising at this location.

5. **Grounds of Appeal**

5.1 On 16 January 2026, Birmingham City Council as Local Planning Authority sought to refuse permission for the development proposed in the application, for the following reason(s):

- 1. The proposed BT Street Hub by virtue of its design, scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. Whilst the BT Street Hub would have some public benefits, the proposal would lead to less than substantial harm to the Hinckley Town Centre Conservation Area such harm far outweighs the associated public benefits. The development is therefore considered to be contrary to Policies DM10, DM11, DM12, DM16 and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).*

Hinkley and Bosworth Borough Council also refused to consent to the display of the advertisement(s) proposed in your application for the following reason(s):

- 1. The proposed advertisement by virtue of its design scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape and Hinckley Town Centre Conservation Area. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. The development is therefore considered to be contrary to Policies DM10, DM11, DM12, and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).*

5.2 The Council has suggested that the unit would be an inappropriate form of development and result in perceived over proliferation of unnecessary advertisements at this portion of the street scene and also fail to preserve or enhance the character of the Conservation Area. The appellant has noted

these concerns and disagrees with the findings. The case of the Appellant is documented below.

- 5.3 The Appellant considers that the policy tests used to determine the planning application have relied too heavily on its visual impact, which the Appellant considers to be exaggerated by the Council in terms of its potential impact on the nearby heritage asset, particularly when considering that the unit will be upgrading the existing BT phone booth at this location and is sited within a commercial context. It is also considered that the Council has offered very little in the way of weight to the public benefits of the proposal.
- 5.4 Within the National and Local Planning Policy, key themes emerge in relation to the strategic directions and policy objectives. The proposal to upgrade existing BT payphones to Street Hub units appropriately responds to these policies by:
- Providing communication infrastructure in a strategic location that will be a high-quality design and provide enhanced digital connectivity;
 - Improving public safety through providing access to emergency services, increased street illumination and reducing anti-social behaviour currently present in existing BT payphone booths;
 - Achieving advertising displays that are appropriately illuminated and designed to ensure no hindrance to surrounding transport networks;
 - Promoting accessibility and inclusivity with fully accessible community features;
 - Enhancing and improving the quality of the public environment and ensuring valued characteristics are protected, to create safe, functional places with strong sense of connection; and

Overall, the proposal is considered to be a highly appropriate response to strategic vision and objectives.

- 5.5 The Appellant considers that the design of the Street Hub's in terms of its sleek modern and innovative appearance is more consistent with that found within many street scene settings throughout the country. The design, as discussed above, is of high quality and reflects a historical design which is a common and expected feature across many streetscapes around the United Kingdom.

Visual Amenity and Heritage Considerations

- 5.6 It is accepted that there will always be challenges faced in finding a balance between limiting any visual harm created by the siting of development upon

heritage assets when weighed up against the public benefits it will bring to the area. It should also be considered that sites within Conservation Areas, like all streets, will always be subject to change through time, changing demand, and user expectation. This is of particular relevance when considering advertisement and telecommunication within street scenes throughout the country with a focus on sustainable and connected cities.

- 5.7 The proposed Street Hub has a much more slender and slimline profile than that of existing phone box it intends to replace and would therefore be comparable in form and appearance to existing freestanding units of a similar form than that can be commonly found in many streets throughout the country, including that of sensitive and non-sensitive land designations. We therefore contend Council's argument that the unit would result be prominent and intrusive feature within the streetscape, specifically the following within the Officer Report:

"The BT Street Hub is proposed to be sited on a block paved area within a pedestrian zone of Castle Street. The Hub would stand at nearly 3.00m in height, significantly larger to that of the existing phone kiosk and cash machine whilst also having a striking appearance by way of its stark, modern design. This would be further exacerbated by the two large display screens which would sit either side of the hub which as a result of their digital nature and illumination, would introduce a modern and visually intrusive addition to the street scene, especially so at night when, even if dimmed, the illumination would cast a multicoloured hue across the otherwise largely traditional street scene."

While it is acknowledged that the proposal would be circa 3m in height and slightly taller than the existing kiosk that it would replace, it's considered that the unit will result in an improved feature to the streetscape, given the existing kiosk is an outdated, worn ATM cash machine with no benefits to the community. We reiterate that the proposal provides clear and necessary benefits to the area, as detailed in the Appellant's **Planning, Design, and Access Supporting Statement** and supporting **BT Street Hub Product Statement**. The unit will therefore not be introducing a new visual structure to this portion of the footway, will not create a prominent feature or generate visual clutter as it will be directly upgrading BT's existing estate, with the addition of a myriad of public benefits.

- 5.8 When viewed within the street scene, we consider the unit to be complementary to the ground-floor character of Castle Street which includes a range of fascia advertisements, extensive glazing and temporary

hoarding signs. We contend Council's position that the unit would result in proliferation of unnecessary advertisements as the appeal site seeks approval for a single unit that is considered to integrate well within the street scene, as a direct replacement of BT existing estate and will therefore not detract from the existing visual character of the area.

The images below provide a visualisation of the existing conditions and the proposal in situ. It clearly demonstrates that the proposal integrates successfully within the street scene and the broader visual context of Castle Street, and would not contribute to the proliferation of unnecessary advertisements nor present as an incongruous feature.



Figure 5 – Existing site conditions when viewed from the west



Figure 6 – Visualisation of the proposed unit in situ when viewed from the west



Figure 7 – Existing site conditions when viewed from the east



Figure 8 – Visualisation of the proposed unit in situ when viewed from the east

- 5.9 We further note that the unit, as a direct conversion of the existing kiosk, maintains its position on the footway and alignment with existing infrastructure including the established street trees, public bins and public benches located to the west (shown in Figure 7 and 8). The position therefore ensures the footpath and pedestrian movements remain unobstructed. We agree with the Local Highways Authority who raised no objection to the proposal and stated the following as detailed in the officer report:

“The LHA are therefore satisfied that the proposals will not have a severe impact on the public highway contrary to Paragraph 116 of

the National Planning Policy Framework (NPPF) 2024. As such the LHA would not seek to resist this application.”

- 5.10 We therefore consider that the appeal site would be a positive outcome for this portion of Castle Street and contrary to the position of Council detailed in the officer report, will not result in a street clutter, be a prominent feature or result in proliferation of advertisements at this location.
- 5.11 With regard to visual impact on the surrounding heritage setting, paragraph 207 of the NPPF states that Local Planning Authorities should take into account the particular significance of any heritage asset that may be affected by a proposal when considering the impact of a proposal on a heritage asset, in order to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposed development.
- 5.12 In considering whether a proposal would have any impact in respect of the setting of any heritage asset, Historic England’s website provides a definition of what would be considered as the ‘setting’ of any heritage assets as follows;
- 1) *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
 - 2) *“The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape.”*
 - 3) *“The setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character. Beyond the physical and visual aspects, the setting includes interaction with the natural environment; past or present social or spiritual practices, customs, traditional knowledge, use or activities and other forms of intangible cultural heritage aspects that created and form the space as well as the current and dynamic cultural, social and economic context.”*

Additionally, in *Conservation Principles, Policies and Guidance (2008)* English Heritage sets out the four key aspects which contribute to the overall significance of a historic building or landscape:

- **Evidential:** *“The potential of a place to yield evidence about past human activity.”*

- **Historic:** *“The ways in which past people, events and aspects of life can be connected through a place to the present.”*
- **Aesthetic:** *“The ways in which people draw sensory and intellectual stimulation from a place.”*
- **Communal:** *“The meaning of a place for the people who related to it, or for whom it figures in their collective memory.”*

5.13 In respect of the above, the proposed site is located within the Hinckley - Town Centre Conservation Area. The Conservation Area Character Appraisal, adopted in 2013, forms part of the evidence base for the local plan and is a material consideration when determining applications for development. The describes the significance of the area as the following:

““Hinckley Conservation Area derives from the following features:

- *Its significance as part of the mid 18th to early 20th century development of the Borough.*
- *The group value of surviving buildings and spaces related to the development of the commercial centre.*
- *The value of civic and public buildings reflecting the development of the community.*
- *The survival of buildings relating to the borough’s industrial past.*
- *Its importance as an historic record of the economic development of the Borough.*
- *The architectural and historic interest of the area’s historic buildings, both locally and nationally.*
- *Local details that collectively and individually give the conservation area a distinctive identity, such as the strong sense of enclosure, the quality of the surviving historic buildings, the survival of original architectural detailing, the commercial and civic uses, and the relationship of closed and open spaces.*
- *The emergence of a local character achieved through repeated use of locally distinctive materials and detailing.*
- *The historical importance of four major local hosiery employers (the Atkins, the Davenports, Davis and the Bennetts) and their influence on the community and built environment in and around the town centre.*
- *Streetscapes typified by a uniformity of building line, roofscape, fenestration and materials. All of which give a consistency of character.*
- *The importance of framed views within streets and the vistas to St Mary’s Church from a number of viewpoints from around the town.*

- *Overall there is a vibrant urban character defined by its built form, mix of uses, mixed tenure and independent businesses.*
- *A medieval street pattern, including long, gently winding main streets with narrow lanes, jitties and yards running off.*
- *High quality public green spaces in the form of the park, the church and vicarage grounds and the chapel grounds with a high degree of visual and physical access which enforces the impression of spaciousness and is part of the community's identity.*
- *The semi-mature vegetation along Regent Street which softens the hard architecture and contributes to the skyline and streetscape."*

5.14 The site is also located nearby a number of Grade II listed buildings, however, we agree with the Council Conservation Officers position that the proposal will not result in material harm to the nearby listed buildings, as stated in the Officer Report:

"Whilst being located within the wider setting of the grade II listed buildings no.35-37 Castle Street, no.53-55 Castle Street and no.64 Castle Street, due to the siting of the Street Hub, its scale and intervening distance it is considered that the proposed Hub would result in no material impact upon the listed buildings and would not affect or reduce the ability of the observer to appreciate the heritage significance of these heritage assets. Consequently, the proposal would preserve their significance."

5.15 The historical importance of the Conservation Area is acknowledged, particularly in relation to its preserved character, which is primarily focused on the area surrounding the surviving historic buildings (including now listed buildings) and the established street pattern. However, we consider the proposed siting appropriate and would not detract from or diminish the significance of the Conservation Area. Specifically, the siting and design of the proposed unit is considered to be appropriate of the context of the listed buildings which help form the importance of the area, which is view shared by the Council's Conservation Area. Furthermore, the unit will maintain the existing street pattern and upgrade the existing BT kiosk at this location which is already a vertical feature at this location.

5.16 We therefore strongly contend Council's argument that the design and perceived visual impact would cause harm to the character and appearance of the Conservation Area, as concluded in the Officer Report:

'Turning to the assessment of the proposal on the general character of the area and the Conservation Area, whilst the street scene is predominantly commercial, the character of numerous surrounding buildings and majority of nearby street furniture is traditional in construction and design. Therefore, by virtue of its height, scale and appearance, when combined with its prominent siting perpendicular to the pedestrian flow the proposed Hub would result in an intrusive and incongruous feature. As such, the proposed Street Hub would cause harm to the character and appearance of the area.'

We consider that the unit has been strategically sited as an upgrade of BT's existing estate within a highly commercial area that has demonstrably evolved over time, as reflected in changes to land use and the design of ground-floor tenancies. This portion of Castle Street includes extensive ground-floor glazing, fascia advertisements that vary in colour and materiality as well as numerous temporary hoarding signs on the footway, typical to a commercial high street. We consider that the addition of a street hub unit would therefore be complementary to the ground-floor character and will not be an alien feature that will impact the street scene or harm the appearance of the Conservation Area.

- 5.17 We also note that the Council's Conservation Officer did not directly object to the proposal, instead recommended the decision-taker undertake an assessment of the benefits of the proposal, as detailed in their consultation response below:

'In my opinion the proposal can demonstrate no heritage benefits. The decision-taker should identify non-heritage benefits arising from the proposal and determine the weigh to be given to them in the required balancing exercise of paragraph 215 of the NPPF and Policy DM11 of the SADMP. If the level of public benefits is insufficient to outweigh the harm caused to the conservation area then the proposal would not be in compliance with those policies. In completing this balancing exercise great and demonstrable weight must be given to the conservation of the heritage asset as required by paragraph 212 of the NPPF and the statutory duties of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The ultimate conclusion of the balancing exercise, however, lies within the decision-taker.'

We disagree with the conclusion of the Case Officer that the perceived visual harm caused by the unit to the Conservation Area outweighs the public benefits of the proposal, as stated in their report:

“Whilst there are some elements within the surrounding area, including buildings and structures that may not positively contribute to the historic environment, this does not justify the provision of additional harmful development. It is also considered that the appearance of the Street Hub is solely generic, being a standard design with no consideration given to the historic context and the character of the area within it is proposed to be sited, and no alternatives have been considered such as a bespoke design that could reduce or avoid adverse visual effects and ensure the hub sits comfortably within the public realm.

The BT Street Hub would have some notable public benefits, such as free WIFI and 4G and 5G capabilities. However, when considering the great weight to be attributed to the conservation of designated heritage assets the identified harm, far outweighs the associated public benefits.”

We again refer to the Appellant’s **Planning, Design, and Access Supporting Statement** and supporting **BT Street Hub Product Statement** which set out the extensive public benefits of the proposal. It’s considered that these benefits, together with the appropriate siting of the unit, its consistency with the established ground-floor character and the absence of any impact on nearby listed buildings, clearly outweigh any perceived harm to the Conservation Area and should be afforded significant weight in favour of the appeal proposal.

- 5.18 We would offer the Appeal Ref APP/J2373/H/22/3304942 as an example of a Street Hub development in a Conservation Area. Inspector Ellison highlighted that *‘The proposed street hub would replace the existing installation. It would have a similar footprint and be of a scale and design reflective of the existing. As it is an already established feature in the street scene, the proposed street hub would not introduce any additional clutter or appear intrusive, even taking into consideration any similar installations on Bank Hey Street as they are a considerable distance away and not read within the same street scene. In combination with others, the proposal would not create a sense of an overconcentration of street hubs in this locality.’* As outlined above, the appeal development is for the removal of the existing kiosk (plus an additional kiosk nearby) and the reduction of street clutter is therefore greater.

The importance of the direct replacement of existing kiosks is reinforced by Appeal Ref APP/K5030/H/18/3211267 which was for a Street Hub that was

allowed within the direct context of St Paul's Cathedral in London. Inspector Thompson observed that *'The proposal would replace three existing BT kiosks which are sited adjacent to one another, with a single free-standing structure with integrated digital advertising displays on either side. Although its location would be prominent, it would result in the reduction of street furniture at this site and would therefore preserve the existing character of this area.'*

A further Appeal Ref APP/K5030/W/22/3301224 at the same location was allowed and the Inspector reinforces the position that the direct replacement of existing kiosks will improve the streetscene by noting *'the site plan shows that the Street Hub would cover a far smaller footprint than the existing three kiosks, whilst with just the two sides illuminated it would only be partially seen from a number of vantage points in the area because of the oblique angles of the sightlines. And to the extent the site would be visible the aforementioned removal of all three of the unsightly BT kiosks to be replaced by the modern design of the Street Hub would be a significant advantage of the proposal.'*

Appeal Ref APP/K5030/W/22/3301224 continues *'Overall, I find that there would be no harmful conflict in this case with the aforementioned development plan policies; the City Public Realm Supplementary Planning Document: 'People, Places, Projects', or with Government policy in the Framework taken as a whole. To the extent that the Street Hub would cause less than substantial harm to the heritage assets, this would be clearly outweighed by its public benefits to which I have referred.'*

We would also wish to refer to Appeal Ref APP/L5240/W/21/3285398 that states: *'The removal of the metal and plastic BT phone box would not harm the townscape of the street or the attractiveness of the public realm. I appreciate that the street hub would be taller and broader than the phone box which it would replace. However, it would be narrower. It would have more slender proportions, a plainer form, slicker detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street than the more corporately identified phone box. It would appear less bulky and less conspicuous than the phone box it would replace.'*

Further to the above, appeal reference APP/C3105/W/25/3366449 recently allowed states that: *'The appeal proposals would involve the replacement of an existing relatively modern telephone kiosk that already displays sizeable, fixed advertisements. As such, the proposal would not add to street clutter. The proposed structure although taller and wider than the existing telephone box, would have a slim profile resulting in a reduced*

footprint and bulk. In the context of other tall elements within the streetscene, I do not consider the size of the proposal would appear untoward.....the street hub would have a modern design and the use of large digital displays would result in a more striking appearance than the existing structure to be replaced. Still, subject to relevant conditions that control the display of the digital screens, notably the use of static imagery and illumination, I am satisfied that the proposal would not stand out as an incongruous, over-dominant or unduly prominent feature within this existing commercial streetscene.....Views of the proposed development alongside each of the listed buildings would be available. However, the slim profile of the proposed development would mainly result in only oblique views being available in connection with nearby listed buildings. Additionally, the views would also be somewhat interrupted by other features such as existing mature vegetation, parked vehicles, and other street furniture and paraphernalia. Indeed, the setting of each of the above listed buildings is already largely defined by the busy commercial activity, including a range of modern signage and street furniture. Accordingly, I find the effect on their setting and significance would be neutral in this instance. Likewise, given my above findings, I find that the effect on the character, appearance and significance of the CA, as a whole, would also be neutral.'

All of the above appeals have been included for reference with this appeal.

- 5.19 The common theme within these appeals is that it is recognised and accepted that the replacement of ageing telephone kiosks with a modern communications unit in areas of high heritage value preserves and improves the existing character of the area, which supports the proposed development. Based on the details outlined above, the reason for refusal that the poor siting, scale and appearance of the proposed BT Street Hub is not justified and the impact on the area is therefore acceptable.
- 5.20 As shown above in other similar appeal decision in conservation areas and nearby to listed buildings, such forms of development, particularly when replacing existing infrastructure that has been long established in the street scene and offer nothing by way of their appearance in conservation areas or nearby to listed buildings, can be considered acceptable on balance and not result in any deterioration of the character, appearance or setting of heritage assets. For clarity, the proposals allowed in the above appeals are the exact same to that of the appeal proposal as they are for the same proposal, this being the replacement of existing infrastructure with the proposed Street hub.

- 5.21 In respect of digital infrastructure and economic development, these new Street Hubs are the perfect form of infrastructure for positive change, enabling councils to collaborate and configure infrastructure to support smarter, safer and more sustainable places for residents, visitors and businesses alike. BT is moving public connectivity forward, evolving their existing and long-established payphone estate further with a move from the 1st Generation 'InLink' units that have seen deployment throughout the country, to the proposed Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society and at no cost to the Council.
- 5.22 On this point, recent press releases highlight that BT gifted up to £7.5m of free advertising space to local businesses via its Street Hub units in 2023-24 as the new units are rolled out to new locations across the UK, whereby BT (in conjunction with the LPAs) contacted local businesses and the public in these areas in order to encourage them to nominate local firms who could benefit from the offer.
- 5.23 The came as a new BT study found that more than 60 per cent of small businesses agree that local advertising would help to increase awareness of their business, with 40 per cent saying it would encourage more people to shop at their local high street. However, almost half (49 per cent) said that cost was a major obstacle to them investing in local Out Of Home (OOH) advertising. BT is now taking action to remove one of the biggest barriers to adoption, with the Street Hub's digital advertising screens designed to help small firms attract more customers following the local and national lockdowns.
- 5.24 Additionally, BT's new Street Hub units can also help local councils achieve their social and economic improvement and sustainability goals. Each local authority is provided with 5 per cent of total screen time on each Street Hub unit to promote local community and municipal services such as food banks, health and social care or leisure activities. They can also inform the local community about developments or issues affecting their area. For example, during the peak of the Covid-19 pandemic, the 400 existing Street Hub units across the country played a vital role in displaying key public health advice from Public Health England and local councils.
- 5.25 With nearly two thirds of all local authorities aiming to become carbon neutral by 2030, each Street Hub unit can also be fitted with air quality and CO2 sensors. This will provide local councils with the insight needed to help them take action to improve air quality, contributing to the health and wellbeing of local people, and has been used by Council's already.

- 5.26 The above shows how the proposed units would assist in council's agendas to have more people return to our high streets do not prejudice this. The overall aim of the Street Hubs is to enhance digital connectivity and services for communities through features such as free mobile device charging, access to an emergency call button, charity helplines, and local wayfinding via an integrated tablet, as well as the additional benefits set out previously. Additionally, it is considered that the public benefits were in fact set out in detail and adequately included as part of the application submissions, to which the council have offered little or no weight to as stated. Instead, as stated the consideration of the council that the units are unnecessary is contrary to the NPPF whereby it is clear that councils should not question the need. The applicant is upgrading their public estate with a new modern digital unit reflective of the times, while also giving due consideration in respect of their Ofcom requirements for such provision.
- 5.27 It is clear from the above that the proposal must be viewed within the context of the existing streetscene and would not have a significant visual impact to any demonstrable degree on what is a commercial context whereby such forms of development are consistently found throughout the country. It is considered that the proposal would not form an incongruous and over-dominant feature within the streetscene in this instance, nor that it would be development that is not 'historically atypical'. Furthermore, in respect of the consideration that the proposal is unnecessary, BT also have to comply with their Ofcom requirements in ensuring that such infrastructure is maintained in areas in order to ensure that the general public have access to these units and their communication function.

6. Other Relevant Planning Appeal Decisions

- 6.1 Visual amenity and Heritage was a consideration in recent appeal decisions for similar structures to that being proposed whereby, and even when considering the different locations to which these appeals relate the Inspectors determined the following in respect of similar proposals and being viewed within the context of the surrounding street scene as opposed to being viewed in isolation, which principles should still apply in this instance;

Appeal Ref: ADA-180-2017, 40 High Street, Dundee

“I do not agree with the council’s view that the proposed illuminated advertisements would have an adverse impact on amenity. I observe that the area’s character is heavily influenced by the busy retail and commercial environment at street level, featuring information boards and other street furniture, a number of existing advertisements, and shopfronts with illuminated signage and display windows with internal lighting, including in the adjacent Primark store. I do not consider that the introduction of the proposed digital advertisement displays would be at odds with this character. The size of the proposed advertisements is broadly comparable with others in the area. Although the site’s busy city centre location means the proposed advertisements would be seen by large numbers of pedestrians, their positioning between two street trees means they would not be overly prominent in the street scene. The advertisements would generally be viewed in context with the modern Overgate shopping centre nearby, with its illuminated signage and window displays, and would not appear obtrusive in that setting. I therefore do not consider there would be any harm to the amenity of the area, including the character or appearance of the conservation area, which I am satisfied would be preserved. I also do not consider there would be any adverse impact on the setting of any of the listed buildings in the area.”

Appeal Ref: APP/J2373/H/22/3305072, Whitegate Drive, Blackpool

“The appeal site falls within the Raikes Hall Conservation Area (the RHCA) whose significance is partly derived from the largely unaltered original grid street pattern of attractive suburban residential properties. Whitegate Drive is one of the main routes through the RHCA and contains an array of businesses, including the retail unit and café immediately adjacent to the appeal site. This gives the locality a strong commercial character. The appeal site makes a neutral contribution to the RHCA.”

Appeal ref: APP/Z5630/H/3209488, 2-6 Fife Road, Kingston upon Thames:

“Therefore, due to the smaller footprint and slender profile of the proposed kiosk, the proposal would not be visually intrusive or create visual street clutter. The proposal would also not represent an incongruous addition due to its similarities with the existing digital signs within the town centre.”

Appeal Ref: APP/N5090/Z/22/3296138, High Street, Barnet:

“given the limited amount of street furniture nearby, and existing advertising, which is primarily on the buildings themselves, these proposed advertisements would not introduce a significant sense of visual clutter. Although I did not observe any other nearby digital displays on my visit, modern, statically illuminated digital displays are not an uncommon feature in commercial High Street locations such as this.”

Appeal Ref: APP/J2373/H/22/3305026, Squires Gate Lane, Blackpool:

“although the proposal would add an additional piece of street furniture to this side..... It would also not be an intrusive or dominant feature given the width of the footway and its design and scale, which is largely reflective of the existing bus shelter.”

Appeal Ref: APP/J2373/W/22/3304941, Corporation Street, Blackpool:

“the proposed street hub would be of a slim, modern design. It would replace an existing phone box installation within very close proximity to the appeal site, which is in a somewhat neglected condition. As this form of street furniture is an established part of the street scene, the proposal, whilst of a slightly different design and size, would not appear incongruous.”

Appeal Ref: APP/J2373/W/22/3305075, Whitegate Drive, Blackpool:

“Street furniture in the immediate locality of the appeal site is limited to a phone box and street lighting column. As such, the area does not have a cluttered feel. The proposed street hub unit would replace the existing phone box, albeit in a new, close by location. Whilst it would not result in a reduction of street furniture in total, it would nevertheless not result in any increase in this locality therefore it would not be an overbearing addition. It would be of a slimmer design and smaller footprint to the existing phone box and would be viewed in association with the commercial backdrop. Thus, it would be in keeping with this commercial setting.”

Appeal Ref: APP/Q4245/W/25/3363934, Chester Road, Stretford:

“The appeal proposal would be a substantial structure of boxlike form. As a result of its size and digital advertisements, it would undoubtedly be a prominent feature. However, it would not represent a proliferation of such

structures, and would be seen in the context of a modern commercial area within which businesses have varying degrees of signage. On this basis it would not be harmful to the character and appearance of the area.”

Appeal Ref: APP/Q4245/W/25/3363942, 678 Chester Road, Old Trafford, Stretford:

“Within the immediate vicinity are various items of existing street furniture, including bins, bollards, telecommunications cabinets, a CCTV pole, streetlamps, traffic lights and metal safety railings separating the highway from the footway. To the northeast of the site are two existing payphone kiosks, although one has been adapted and now contains a cash machine. The presence of street furniture is therefore an established characteristic within this commercial area..... Furthermore, given the already bustling, commercial aspect of this area, the proposed hub, with advertisement panels, would not appear incongruous, either on its own or in combination with other nearby furniture and advertisements. I do not therefore consider the proposed advertisements would result in an over proliferation in this commercial setting”.

7.0 Introduction

- 7.1 Balancing the visual amenity of an area and the impact that additional street furniture may or may not have is an issue for central government, local government and statutory undertakers alike. The necessity to address all the pertinent factors in the consideration of such proposals is imperative to ensure that the most appropriate decision is reached. However, this must be undertaken correctly and against what would be relevant and material planning considerations at the time of assessment.
- 7.2 Relevant legislation, government advice and development plan policy must be taken into full account when arriving at a decision. The relevance of the key issues relating to the benefits of the Street Hub in terms of social inclusion and economic support, by providing free Wi-Fi connectivity and the other services, must be weighed against the visual harm in the wider public interest and be based upon the particular merits of the Street Hub design and scale in relation to its contextual siting in each case.
- 7.3 The appeal proposal for a Street Hub at this location forms part of a wider Street Hub project across the council area which will provide free ultra-fast Wi-Fi to the local community, as well as a number of other added benefits which these Street Hub units will provide, all of which seek to encourage people back to our high streets in a sustainable way and support local people, businesses and visitors alike. It has been demonstrated within this appeal that the current context of the area is unlikely to be significantly impacted by the introduction of the proposed street Hub, nor would public safety be detrimentally impacted upon. The Appellant considers that the Council's reasons for refusing this application is unreasonable and not based upon any evidence to support them in terms of degree of impact if any at all when weighed against the myriad of public benefits.
- 7.4 The Inspector is respectfully requested to consider the merits of the appeal proposal based on the evidence provided in support of this appeal and to approve both planning permission and advertisement consent for the appeal proposal.