

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990



**Hinckley & Bosworth
Borough Council**

WRITTEN STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

**PLANNING APPEAL BY MR MARTIN BROWN (TELENT) ON BEHALF OF MS
VERITY CHEYNE (BT GROUP PLC)**

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE
INSTALLATION OF 1NO. BT STREET HUB UNIT**

AT

**FOOTPATH OUTSIDE OF 31 REGENT STREET, HINCKLEY, LEICESTERSHIRE,
LE10 0BA**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE

25/00848/FUL & 25/00837/ADV

THE PLANNING INSPECTORATE REFERENCES

6004853 & 6004854

CONTENTS:

Section 1:	Introduction.....	3
Section 2:	Comments on the Appellant's Statement of Case.....	3, 4
Section 3:	Conclusion.....	5
Section 4:	Suggested Conditions.....	5, 6, 7

APPENDICES:

- Appendix 1: Delegated Officer Report
- Appendix 2: Appeal Reference: APP/Z3445/W/22/3310033 (2A Colehill, Tamworth)
- Appendix 3: Appeal Reference: APP/E3715/W/25/3368190 (Footpath Outside of 28-31 High Street, Rugby, CV21 3BW)

1. SECTION 1: INTRODUCTION

- 1.1. This statement outlines Hinckley and Bosworth Borough Council's ("**the Council's**") statement of case in relation to the appeal against the refusal of full planning permission for the installation of 1No. BT Street Hub Unit and linked advertisement consent application for Two LCD display panels on either side of BT Street Hub.
- 1.2. The planning application was refused by the Council on 16th January 2026 under delegated powers. This statement is in full support of the decision to refuse planning permission.
- 1.3. The site description, application description, site history, relevant policies and the Council's case, are contained within the delegated officer report in Appendix 1 and shall not be repeated here for brevity.

2. SECTION 2: COMMENTS ON THE APPELLANT'S STATEMENT OF CASE

- 2.1. In preparing this statement the Council have reviewed the Appellant's Statement of Case (SoC) received on 18th February 2026, the following section comments specifically on this statement expanding upon the Council's full case contained in Appendix 1.
- 2.2. Paragraph 5.3 of the Appellants Statement suggests that the policy tests used to determine the application have relied too heavily on the proposals visual impact and offered very little weight to the public benefits.
- 2.3. The public benefits outlined within the previously submitted Planning Statement were duly considered during determination of the application. The Council recognise that the proposal would have some public benefits, however, the benefits of the appeal proposal are not as significant as the Appellant claims.
- 2.4. Whilst the Council acknowledge that all decisions are taken on their own merits and with regards to heritage and character impacts this will depend on site-specific circumstances, the Council would refer the Inspector to two Appeals with regards to the assessment of public benefits. An appeal in Tamworth (APP/Z3445/W/22/3310033) and Rugby (APP/E3715/W/25/3368190) whereby both towns are reasonably local to and similar scale urban environments to Hinckley. In each appeal, less than substantial harm was identified to the relevant Conservation Area. The Inspector came to the same conclusion as the Council, the similarity of the proposal means that the Inspector's observations as to the proposal's benefits should be afforded significant weight.
- 2.5. Within paragraphs 16-19 of the Tamworth appeal decision (APP/Z3445/W/22/3310033) the inspector concludes the following *'Whilst the harm caused to the significance of the heritage assets would be less than substantial, paragraph 202 of the Framework states that the harm should be weighed against the public benefits.*

The appellant advances a number of benefits. The proposal would accord with the government's digital strategy and national policy (Framework paragraph 114) which recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing. It would provide replacement facilities and technology for making public phone calls in an environment where some users might feel safer than being inside a kiosk, although this would be limited in

scale. There would be improved Wi-Fi connections for residents and visitors in the town centre, including 'wayfinding' maps which may encourage visitors and residents to explore more of the town on foot and bike. Whilst there may be some associated benefits and some synergy with Council policies to encourage other modes of transport and improve the local economy, the scale of any benefits would be limited by one Street Hub. Any benefits from removing two rundown telephone kiosks elsewhere in Tamworth would have no effect on Colehill where there are currently no existing telephone kiosks. Whilst the proposal is part of a wider plan by the appellant to improve digital communications, there is nothing to indicate that this can only be achieved by the proposed Street Hub for Colehill.

The appellant draws my attention to a number of Council and appeal decisions. The one described in Tamworth's Conservation Area was for replacement, but smaller, signage on an existing bus shelter. The other examples are in different cities in other parts of the country. Even if modern Street Hubs have been allowed in other historic environments elsewhere, all decisions turn on their own characteristics and site-specific issues based on the facts before each decision-maker at the time. Hence the examples are not directly comparable to the appeal proposal, which I must consider on its own merits.

I conclude that the public benefits of the proposal do not outweigh the harm that would be caused to the significance of the CA and the nearby listed buildings.'

- 2.6. Within paragraphs 13-17 of the Rugby appeal decision (APP/E3715/W/25/3368190) the inspector concludes the following 'Against this background, and given the scale of the proposal, I find that a modest degree of less than substantial harm to the significance of the identified heritage assets would occur. Although less than substantial, the Framework is clear that great weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

It has been suggested by the appellant that the proposal would provide free public Wi-Fi, free advertising space for the Council and local businesses, and free access to environmental data from sensors on the Street Hub. Although these could form public benefits through mobile connectivity, support for local advertising, and the environmental data, no mechanisms have been put forward to secure these public benefits.

The proposed Street Hub would result in the removal of two low quality telephone boxes. Although these do not positively contribute to the CA and setting of listed buildings, given the above, their replacement would not result in a public benefit. Moreover, their current siting does not result in an unacceptable degree of clutter to the detriment of the surrounding area. It has also not been demonstrated that the Council would be otherwise liable for the cost of removing the existing telephone boxes.

The design of the proposed Street Hub would likely be more secure and provide fewer opportunities for anti-social behaviour than the existing telephone boxes. It would also provide access to an emergency phone and would be powered by a renewable energy source. These matters would comprise public benefits to crime, safety and the environment but given the size of the scheme these benefits would collectively be modest. Although I have identified public benefits, they collectively form only a modest public benefit which, in the circumstances of this case, do not outweigh the harm to the designated heritage assets.'

- 2.7. Paragraph 5.7 of the Appellants Statement states that the current telephone kiosks are more visually harmful than the Street Hub would be.

- 2.8. Whilst the Council agree that the current kiosks don't make a positive contribution to the conservation area, these phone boxes are an established part of the street scene, not illuminated, and smaller in scale. For the reasons set out above and, in the officer report the Council submits that the visual impact of the Street Hub would be *significantly* greater.
- 2.9. Paragraph 5.17 of the Appellants Statement highlights that the Council's Conservation Officer has not directly objected to the proposal instead recommended the decision maker to undertake assessment of the benefits of the proposal.
- 2.10. Respectfully the appellant has failed to acknowledge the full extent of the Council's Conservation Officer's comments. The Council's Conservation Officer states that the proposed hub would be *'an intrusive and incongruous feature. As such, in my opinion the proposed Street Hub would cause harm to the character and appearance of the area. Additional adverse visual impacts would likely occur as a result of the large digital advertising screens on either side of the Street Hub. As a result of their digital nature and illumination, they would introduce a modern and visually intrusive addition to the street scene. This would be especially so at night when, even if dimmed, the illumination would cast a multi-coloured hue across the otherwise largely traditional street scene. Given the harm to character and appearance, it follows that the contribution the application site makes to the conservation area would be diminished as a result of the proposed Street Hub. In this case the diminishment would be to such an extent that harm to the significance of this heritage asset would occur.'*
- 2.11. Therefore, it is clear that there would be less than substantial harm (in terms of the NPPF), even if towards the lower end of this spectrum of harm when considering the level of adverse impact upon the conservation area as a whole. The decision has ultimately been left with the decision maker to identify the benefits arising from the scheme and to determine the weight to be given to them in the required balancing exercise of Paragraph 215 of the NPPF and Policy DM11 of the adopted SADMP.
- 2.12. The Appellant cites a number of previous appeal decisions as examples of Street Hubs allowed within a Conservation Area. The Council notes that the areas in question have a more urban feel than Regent Street and Hinckley as a whole, with the majority being in major city centres (London and Blackpool). Furthermore, the Appellant contends that the appeals highlight the importance of direct replacement of existing kiosks. Whilst full details of the appeals have not been provided, it appears from the summary given that in each of the appeals the proposed hub either had a similar footprint, scale and design reflective of existing features or replaced multiple kiosks creating a smaller footprint. Neither scenario is comparable to the current case where the proposed hub would in the Council's opinion would be of more significant scale and more prominent than existing infrastructure. The unnecessary urbanisation of a sub-urban area such as Hinckley should be avoided.

3. SECTION 3: CONCLUSION

- 3.1 As set out fully in the delegated officer report (Appendix 1) the proposal is not considered to be acceptable in terms of design, scale or siting as it would result in an unduly prominent and visually intrusive structure in the street scene which would cause significant visual harm upon the character and appearance of the townscape. In culmination with other signage it would further result in the over proliferation of unnecessary advertisements. Furthermore, the development is not considered to be acceptable in terms of the adverse impact upon the character and appearance of Hinckley Town Centre Conservation Area, resulting in less than substantial harm which is not outweighed by public benefit.

- 3.2 The appeal submission does not alter this view and the proposals remain in conflict with Policies DM10, DM11, DM12, DM16 and DM23 of the Site Allocations and Development Management Policies DPD (SADMP) (2016), 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).
- 3.3 It is respectfully suggested that there are no other material planning considerations or other evidence provided within the Appellant's SoC or other submitted information that would provide any development plan policy justification for the development or to indicate that the appeal should not be determined other than in accordance with the development plan for the area. However, should the Inspector be minded to allow the appeal then it is requested that consideration be given to the imposition of the conditions suggested within Section 4 of this statement.

4. SECTION 4: CONDITIONS
25/00848/FUL Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details;

- Existing, Proposed Site Plan, Drg No's. 001-002 Rev A Existing, Proposed Site Elevation, Drg No's 003-004 Rev A
- Dimensioned Elevations, Drg No. STH-001
- Anti-Social Behavioural Management Plan
- Noise Management Plan all as received by the Local Planning Authority on the 5th September 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25/00837/ADV Conditions:

1. The grant of express consent shall expire at the end of a period of five years from the date of this notification.

Reason: To comply with the requirements of Regulation 16(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

- a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
- b) No advertisement shall be sited or displayed so as to:-
 - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air
- (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle
- c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site
- d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public
- e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the requirements of Schedule 2 Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. The advertisement(s) hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Existing, Proposed Site Plan, Drg No's. 001-002 Rev A Existing, Proposed Site Elevation, Drg No's 003-004 Rev A
- Dimensioned Elevations, Drg No. STH-001
- Anti-Social Behavioural Management Plan
- Noise Management Plan all as received by the Local Planning Authority on the 5th September 2025.

Reason: To protect the visual amenity of the area to accord with Policies DM1, DM10, DM11, DM12 and DM23 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

4. Notwithstanding the details provided, the intensity of the illumination of the screens permitted shall not exceed 300cd/m² in the hours of darkness and the maximum daytime luminance values set out in table 10.5 of the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05/23) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) in cd/m².

Reason: To protect the visual amenity of the area to accord with Policies DM1, DM7, DM10, DM11, DM12 and DM23 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

5. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason: In the interests of the visual amenities of the locality and the character and appearance of the area in accordance with Policies DM1, DM7, DM10, DM11, DM12 and DM23 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Notes to applicant:

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk