

Appeal Decisions

Site visits made on 18 July 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal A Ref: APP/R3515/W/24/3342259

Pavement opposite 4 Friars Bridge Road, Ipswich IP1 1RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by In Focus Networks Limited against the decision of Ipswich Borough Council.
 - The application Ref is IP/23/00981/FUL.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal B Ref: APP/R3515/H/24/3342260

Pavement opposite 4 Friars Bridge Road, Ipswich IP1 1RR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by In Focus Networks Limited against the decision of Ipswich Borough Council.
 - The application Ref is IP/23/00982/ADV.
 - The advertisement proposed is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device.
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Appeal C Ref: APP/R3515/W/24/3342261

Pavement opposite Old Cattle Market, Ipswich IP1 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by JCDecaux UK Ltd against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/01059/FUL.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal D Ref: APP/R3515/H/24/3342262

Pavement opposite Old Cattle Market, Ipswich IP1 1AY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Ltd against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/01060/ADV.
 - The advertisement proposed is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device.
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Appeal E Ref: APP/R3515/W/24/3342263

Pavement opposite 37 Carr Street, Ipswich IP4 1HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as
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amended) against a refusal to grant planning permission.

- The appeal is made by JCDecaux UK Ltd against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/01068/FUL.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal F Ref: APP/R3515/H/24/3342264

Pavement opposite 37 Carr Street, Ipswich IP4 1HA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Ltd against the decision of Ipswich Borough Council.
 - The application Ref is IP/22/01069/ADV.
 - The advertisement proposed is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device.
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Decisions

Appeals A and B

1. Appeal A is allowed and planning permission is granted for the installation of a multifunctional communication Hub including defibrillator and advertisement display at pavement opposite 4 Friars Bridge Road, Ipswich IP1 1RR, in accordance with the terms of the application Ref IP/23/00981/FUL, subject to the conditions included in the Schedule at Annexe A.
2. Appeal B is allowed and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device at pavement opposite 4 Friars Bridge Road, Ipswich IP1 1RR, in accordance with the terms of the application Ref IP/23/00982/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and to the conditions included in the Schedule at Annexe A.

Appeals C and D

3. Appeal C is allowed and planning permission is granted for the installation of a multifunctional communication Hub including defibrillator and advertisement display at pavement opposite Old Cattle Market, Ipswich IP1 1AY, in accordance with the terms of the application Ref IP/22/01059/FUL, subject to the conditions included in the Schedule at Annexe A.
4. Appeal D is allowed and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device at pavement opposite Old Cattle Market, Ipswich IP1 1AY, in accordance with the terms of the application Ref IP/22/01060/ADV. The consent is for five years from the date of this

decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and to the conditions included in the Schedule at Annex A.

Appeals E and F

5. Appeal E is allowed and planning permission is granted for the installation of a multifunctional communication Hub including defibrillator and advertisement display at pavement opposite 37 Carr Street, Ipswich IP4 1HA, in accordance with the terms of the application Ref IP/22/01068/FUL, subject to the conditions included in the Schedule at Annex A.
6. Appeal F is allowed and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device at pavement opposite 37 Carr Street, Ipswich IP4 1HA, in accordance with the terms of the application Ref IP/22/01069/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and to the conditions included in the Schedule at Annex A.

Preliminary Matters

7. The six appeals addressed here involve three proposals for a multifunctional communication Hub and three related proposals to display a static illuminated advertisement as an integral part of each Hub. The appellant company in Appeals A and B, while different to the appellant company in the other four appeals, is a wholly owned subsidiary of the company in those four appeals; and all the sites are situated within the Ipswich Town Centre boundary. For these reasons, the six appeals are dealt with in this single decision document, although each case is considered on its individual merits.
8. The appellant indicates that 'Networks' was excluded in error from the company's name on the application forms for Appeals A and B. The full company name has therefore been included in the above headings for these two appeals.
9. The 2007 Regulations and National Planning Policy Framework state that advertisements should be subject to control only in the interests of amenity and public safety.

Main Issues

Appeals A, C and E

10. For all three appeals the main issue is the effect of the proposed communication Hub on the character and appearance of the street scene. For appeals A and C, a second main issue is the effect of the Hub in each case on highway safety.

Appeals B, D and F

11. For all three appeals the main issues are the effect of the proposed advertisement on the visual amenity of the area and on public safety.

Reasons

12. The proposed Hub is the same in each case, comprising a slim design with the advertising panel on one side and telephony and related services on the other. For the avoidance of repetition in each appeal, I have had regard to the full range of services that would be provided, including an integral defibrillator, free Wi-Fi, device charging and public messaging capabilities. I note also that the unit screens are powered by solar energy.
13. The proposed advertisement in each case is the size of a standard six sheet advertisement with the luminance level adjusted via a light sensor to no more than 600cdm² at night.

Appeals A and B

Character and appearance/visual amenity

14. The site of the proposed Hub is opposite Friars Bridge Road on the pavement that runs alongside Civic Drive, a dual carriageway, within the town centre boundary. The side of the street on which the Hub would be located is characterised by commercial buildings, most notably the multi-storey office buildings close to the appeal site. The wider area includes a mix of uses, with residential properties on the opposite side of Civic Drive. The immediate street scene includes very limited street furniture, largely benches, and no free-standing structures similar to the proposed Hub.
15. Views of the Hub approaching from the north and south, and from the opposite side of Civic Drive, would be against the backdrop of the multi-storey office blocks and the commercial buildings on Friars Bridge Road, which are the dominant built forms in this part of the street scene.
16. The Hub would be a small structure seen in this context and due to its utilitarian appearance, it would not be an uncharacteristic feature in this setting, located between substantive commercial buildings and a busy dual carriageway. Consequently, the proposed Hub would reflect the commercial character and appearance of the street scene and would not detract from it or otherwise appear incongruous. Moreover, as the location is an open area of pavement with no other similar structures within the immediate vicinity and due to the Hub's limited size and slim design, it would not add to or create visual clutter.
17. While there are no advertisements within the locality of the proposed Hub, this is a town centre location where different types of advertisement are typically found. The display in this case would be of limited size due it being integrated as part of the Hub. As such, the visual effects would be similar to those related

to the Hub itself; the advertisement display would be seen within the context of the much larger commercial buildings and so would not be a visually harmful or uncharacteristic addition to the street scene.

18. Accordingly, for these reasons, I conclude for Appeal A that the proposed Hub would not have a harmful effect on the character and appearance of the street scene. As such, there is no conflict with the following policies from the Ipswich Core Strategy and Policies Development Plan Document Review (2022) (the CSP): DM12, which requires development to reinforce the visual appearance of the immediate street scene and ensure good public realm design, including through the appropriate use of street furniture; and DM34 concerning the effect of communications infrastructure on the appearance of the street scene.
19. I conclude for the reasons given that the advertisement proposed in Appeal B would not result in harm to the visual amenity of the area. I have taken into account Policy DM12 outlined above and Policy DM26 of the CSP, which states that advertisements that result in excessive street clutter in the public realm will be refused, and which therefore are material in this case. Given the conclusion on Appeal B, the proposal does not conflict with these policies.

Highway/public safety

20. The site of the proposed Hub is part of a main pedestrian route between the town centre and football stadium. As such, the Council's concern is that the position of the Hub could impede the free flow of pedestrians. However, the pavement widens at this location, with the retaining wall of the planted area set back from the adjacent frontage of the office buildings. Consequently, the pavement here is of sufficient width that the Hub would not cause an obstruction.
21. Civic Drive appears to be a busy dual carriageway. It is not unusual, however, for drivers to experience this type of advertisement within a busy city centre environment, either as a free-standing advertisement or integrated into a bus shelter or other structure as proposed here. Moreover, the advertisement will display static rather than moving images that will not change rapidly, while the illumination would be within recommended levels for this type of location. These matters can be controlled by conditions. Consequently, this type of advertisement in this location would not be a distraction to drivers such that it would undermine public safety.
22. Therefore, taking these findings as a whole, I conclude with regard to Appeal A that the proposed Hub would not result in material harm to highway safety. Consequently, the proposal is not contrary to Policies DM12 and DM21 of the CSP, concerning the effects of proposals on pedestrian accessibility and highway safety.
23. For Appeal B, I conclude that the advertisement would not cause harm to public safety. Policies DM12 and DM21 outlined above and Policy DM26 of the CSP, which states that advertisements that have an adverse impact on public

safety will be refused, are material to the appeal. Given the conclusion on this issue with regard to Appeal B, the proposal is not contrary to these policies.

Appeals C and D

Character and appearance/visual amenity

24. The Old Cattle Market is a historic area within the town centre, comprising a small central square with seating and trees surrounded by buildings in retail and commercial uses. The largest building is the modern Buttermarket shopping centre; the proposed Hub would be located on the pavement in front of the centre. A number of buildings on the opposite side of the square have Grade II listed status and the site is within the Central Conservation Area.
25. My attention is drawn to a successful earlier appeal for a telephone kiosk also in front of the shopping centre, close to the site of the proposed Hub in this case¹. I note that the appellant was the same company as in this appeal and it has been confirmed that the approved kiosk cannot be implemented for practical reasons. Despite the two structures apparently being of different design and appearance, the earlier decision, which involved the same issues as in this case, is material to the current appeal and, therefore, I have had regard to it.
26. In the earlier appeal the Inspector found that the kiosk would be located directly adjacent to the Buttermarket centre and would be seen primarily in association with the modern development. From my own inspection, I concur with this view. The proposed Hub would be seen in a similar context and would be framed by the backdrop of the much larger modern shopping centre. Moreover, it would be positioned on the other side of the square, well away from the listed buildings. As such, it would not have a harmful effect on the setting of these heritage assets or this part of the conservation area. More generally, it would not be an incongruous or otherwise harmful feature in this location.
27. The principal form of advertisement in the surrounding area is fascia signs on shops, pubs, cafes and bars. In this town centre setting, seen against the modern shopping centre, an advertisement of the type and size proposed here would not be incongruous or uncharacteristic.
28. Therefore, for these reasons, I conclude for Appeal C that the proposed Hub would not have a harmful effect on the character and appearance of the street scene. Consequently, there is no conflict with Policies DM12 and DM34 of the CSP, as already described.
29. With regard to Appeal D, I conclude for the reasons given that the proposed advertisement would not result in harm to the visual amenity of the area. I have taken into account Policies DM12 and DM26 of the CSP, which, as outlined above, are material in this case. Given the conclusion on this appeal, the proposal does not conflict with these policies.

¹ APP/R3515/W/19/3235557 dated 17 December 2019.

Highway/public safety

30. The Inspector in the earlier appeal also considered this issue. He found that the kiosk in that case would leave an unobstructed pavement width of some 2.3 metres, which would be adequate to ensure pedestrian movement is not unduly restricted. He also found that pedestrians would be likely to disperse along various routes rather than be concentrated on the area close to the kiosk.
31. The location and effects of the Hub proposed in this case are similar to those in the earlier appeal. From my own observations of the site, the size and design of the Hub in this location will not have a materially different effect to the proposal in the earlier appeal. The size and slim design of the Hub and its position on the pavement, will leave sufficient room for pedestrians to pass and walk freely.
32. The Hub is sited further away from the bus stop on this side of the road than was the case with the kiosk. This fact together with the openness of the public square, generally good visibility, limited vehicle access and low vehicle speeds means that a structure of the size and design of the Hub would not result in a harmful effect on public safety due to restricting pedestrians' visibility of traffic.
33. Accordingly, based on these findings, I conclude with regard to Appeal C that the proposed Hub would not have a harmful effect on highway safety. Consequently, the proposal is not contrary to Policies DM12 and DM21 of the CSP, as already described.
34. I conclude for the reasons given that the advertisement proposed in Appeal D would not cause harm to public safety. Policies DM12, DM21 and DM26 of the CSP, already referred to, are material to the appeal. Given the conclusion on this issue with regard to Appeal D, the proposal is not contrary to these policies.

Other Matters

35. I have had regard to the representations made by interested parties, some of which concern the main issues, particularly whether the Hub would impede pedestrians. In addition, concerns are raised about anti-social behaviour and vandalism that might occur as a result of the Hub. I note, however, that the Suffolk Constabulary's Design Out Crime Officer has not objected, but instead recommends that a number of issues concerning the Hub's operation and use should be controlled by conditions. The main parties also suggest that a management plan should be submitted and approved that could address these matters. An appropriate condition to require such a management plan would address the concerns raised.

Appeals E and F

Character and appearance/visual amenity

36. The location of the proposed Hub is the pavement between Nos 37 and 39 Carr Street, a pedestrianised street with retail and commercial uses along both sides.
37. The previous appeal referred to with regard to Appeals C and D is relevant as the same decision document also included two successful appeals for telephone kiosks in Carr Street, one immediately east of the current appeal site and the other further along from this on the same side of the street². I note that Council officers consider that the consent cannot be implemented for practical reasons. As such, any concerns about the cumulative visual effects of the approved proposals together with the current one would be overcome.
38. As with Appeals C and D, the previous appeal decisions are relevant given the proximity of the locations involved to the current one and because the Inspector considered the effect on the character and appearance of the area. I am mindful that appeal decisions should be consistent where such similarities occur.
39. In the previous appeals the Inspector found that there is a predominance of modern built form and modern shops within the street scene. Therefore, due to the character of the street as a modern shopping street the proposed kiosks would be visually acceptable. From my own inspection, the street scene is as the Inspector found in the earlier appeals. Moreover, the proposed Hub would be positioned in alignment with other street furniture in the form of benches, lampposts and planters. While it would be a larger structure than these other features, its utilitarian appearance and modern design would not appear incongruous or uncharacteristic in the retail setting.
40. Advertising is prominent within Carr Street, predominantly in the form of fascia signs to the array of different retail and commercial premises. The type and size of advertisement proposed for the Hub would, therefore, reflect the existing commercial character of Carr Street.
41. Therefore, for these reasons, the Hub proposed in Appeal E would not result in harm to the character and appearance of the street scene. Consequently, there is no conflict with Policies DM12 and DM34 of the CSP, as already described.
42. I conclude for the reasons given that the advertisement proposed in Appeal F would not be harmful to the visual amenity of the area. I have taken into account Policies DM12 and DM26 of the CSP, which, as outlined above, are material in this case. Given the conclusion on this appeal, the proposal does not conflict with these policies.

² APP/R3515/W/19/3235575 and APP/R3515/W/19/3235574.

Public safety

43. The concern with regard to public safety is that the position and type of advertisement would act as a harmful distraction to drivers using Carr Street. I note, however, that due to it being pedestrianised access is limited to cycles, access loading and authorised vehicles. Consequently, the street will be lightly trafficked with drivers aware of pedestrians and vehicles travelling at relatively slow speeds. Moreover, the advertisement will display static rather than moving images that will not change rapidly, while the illumination would be within recommended levels for this type of location. These matters can be controlled by conditions. For these reasons, therefore, the advertisement proposed in this location would not be a distraction to drivers such that it would undermine public safety.
44. Accordingly, based on these findings I conclude for Appeal F that the proposed advertisement would not cause harm to public safety. Policies DM12, DM21 and DM26 of the CSP, already referred to, are material to the appeal. Given the conclusion on this issue with regard to Appeal F, the proposal is not contrary to these policies.
45. In reaching these conclusions on Appeals E and F I have had full regard to the representation by an interested party, which concerns matters addressed by the main issues.

Overall Conclusions and Conditions

46. For the reasons given, Appeals A, C and E, each concerning a proposed multifunctional communication Hub, and Appeals B, D and F, each concerning a proposed integrated advertising display, are allowed.
47. The main parties have both suggested conditions, which I have taken into account. However, it is not necessary to impose the first five conditions suggested by the appellant as these replicate the standard conditions for advertisements included in the 2007 Regulations.
48. For Appeals A, C and E, which each involve a grant of planning permission, I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree also with the parties that a condition requiring submission and approval of a management plan for the operation of the Hub in each case is necessary to ensure its safe operation and to mitigate the risk of anti-social behaviour.
49. For appeals B, D and F, as each involves express consent for an advertisement rather than a grant of planning permission, it is not necessary to impose a condition requiring the proposal to be carried out in accordance with the submitted plans.
50. Conditions suggested by the parties concerning the maximum luminance levels during the hours of darkness and the type of advertisement displayed are necessary in the interests of highway safety.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule of conditions

Appeal A - Ref APP/R3515/W/24/3342259

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan and images A02418.
- 3) Prior to first use of the Communication Hub hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of restrictions on the use of Wi-Fi, restrictions on charging capacity and incoming calls, the call charges that will apply and operation of the integral cameras. The management plan shall be implemented as approved.

Appeal B – Ref APP/R3515/H/24/3342260

- 1) The maximum luminance of the advertisement shall not exceed 600cd/m² during the hours of darkness (dusk to dawn).
- 2) The minimum time between successive displayed images shall be ten seconds and the replacement image must not incorporate any fading, swiping or other animated transitional method. Moving images, animation, video or full motion images shall not be displayed.

Appeal C – Ref APP/R3515/W/24/3342261

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan and images A02082.
- 3) Prior to first use of the Communication Hub hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of restrictions on the use of Wi-Fi, restrictions on charging capacity and incoming calls, the call charges that will apply and operation of the integral cameras. The management plan shall be implemented as approved.

Appeal D – Ref APP/R3515/H/24/3342262

- 1) The maximum luminance of the advertisement shall not exceed 600cd/m² during the hours of darkness (dusk to dawn).
- 2) The minimum time between successive displayed images shall be ten seconds and the replacement image must not incorporate any fading, swiping or other animated transitional method. Moving images, animation, video or full motion images shall not be displayed.

Appeal E – Ref APP/R3515/W/24/3342263

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan and images A02085.
- 3) Prior to first use of the Communication Hub hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of restrictions on the use of Wi-Fi, restrictions on charging capacity and incoming calls, the call charges that will apply and operation of the integral cameras. The management plan shall be implemented as approved.

Appeal F – Ref APP/R3515/H/24/3342264

- 1) The maximum luminance of the advertisement shall not exceed 600cd/m² during the hours of darkness (dusk to dawn).
- 2) The minimum time between successive displayed images shall be ten seconds and the replacement image must not incorporate any fading, swiping or other animated transitional method. Moving images, animation, video or full motion images shall not be displayed.

[End of Schedule]