

Appeal Decisions

Site visit made on 21 August 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal A Ref: APP/U5930/W/24/3342071

Pavement outside 218 High Street, Walthamstow E17 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Infocus Public Networks against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 232547, dated 10 October 2023, was refused by notice dated 9 February 2024.
 - The development proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Appeal B Ref: APP/U5930/H/24/3342073

Pavement outside 218 High Street, Walthamstow E17 7JH

- 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 Infocus Public Networks against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 232479, dated 10 October 2023, was refused by notice dated 9 February 2024.
 - The proposed advertisement is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decisions

1. Both appeals are allowed and planning permission and express consent are granted for the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement at Pavement outside 218 High Street, Walthamstow E17 7JH in accordance with applications Ref 232547 (Appeal A) and Ref 232479 (Appeal B), both dated 10 October 2023, subject to the conditions set out in Appendix 1 at the end of this decision.

Preliminary Matters

2. The same description is used for both appeals, taken from the respective application and consent forms. For the avoidance of doubt, the proposed hub structure is the subject of the S78 planning appeal (Appeal A). The proposed illuminated digital LCD display screen on the structure is the subject of the separate advertisement appeal (Appeal B). Appeal B would be an integral part of the proposal for Appeal A. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with two proposals together, except where otherwise indicated.

3. The address in the decision header above is taken from the Local Planning Authority's (LPAs) decision notice which I consider more accurately identifies the location of the proposed development and advertisement.
4. Shortly after the LPA made its decision, the Council adopted the Waltham Forest Local Plan Part 1 which supersedes various policies from the 2012 Core Strategy and Development Management Policies documents cited in the LPAs decision notices. The LPAs appeal statement identifies the relevant policies from this newly adopted Plan and the appellant has had the opportunity to comment. As required, I have determined these appeals having regard to the extant development plan.

Main Issue

5. The main issue in these appeals is the effect of the hub and advertisement on highway safety, with particular regard to the capacity to accommodate pedestrian movements.

Highway Safety

6. The appeal proposal would be positioned on a short length of the High Street between the junction with Hoe Street to the east and the turn into Cleveland Park Avenue to the west. Beyond the turn into Cleveland Park Avenue the High Street is pedestrianized to accommodate the street market other than for loading/deliveries during certain restricted hours. To the south-west of the appeal site is a pedestrian thoroughfare at Rosebank Villas which connects this part of the High Street to the bus station and Walthamstow Central underground and overground rail stations. Whilst my site visit can only provide a snapshot¹, I would describe the appeal location as a reasonably busy pedestrian environment, but it was not thronging. It was not as busy as the High Street to the west where the market operates. Nonetheless, there are appreciable pedestrian movements connecting between Hoe Street and Central Parade and the market, the bus station and the 17&Central shopping centre.
7. The uniform paved surface treatment across the width of the public highway in the High Street at the appeal location creates a perception of being pedestrianised. A distinction between the central vehicular highway and the wide pavements is only subtly demarcated by a narrow metallic band set within the paving. As such, and notwithstanding the generous width of the delineated pavement there is a significant degree of pedestrian movements filtering across the width of the vehicular highway. Whilst there are occasional vehicle movement, pedestrians appear to confidently use the full width of the highway safely and frequently on this part of the High Street. Overall, the appeal location is not a particularly constrained or restricted pedestrian environment.
8. The general blending of pavement and vehicular highway in this part of the High Street is further impacted by a signed on-street loading bay immediately to the east of the proposed hub. At the time of my site visit this loading bay was exclusively and fully occupied by delivery mopeds and motorcycles evidently linked to the various hot food outlets on this part of the High Street. This loading bay has the effect of focusing pedestrian footfall at the appeal location to that part of the pavement directly in front of the retail units. The appeal proposals would be parallel to the loading bay and so would reinforce

¹ My site visit was timed to coincide with the lunch period on a weekday when the street market was trading.

these pedestrian flows or behaviour. The pavement to the front of the units at Nos. 216-218 High Street between the loading bay and the proposed hub is wide, comfortably accommodating the pedestrian footfall, including those with children and prams/buggies and disabled persons with mobility aids or in wheelchairs.

9. The proposed position of the hub would affect the ability to make a small diagonal cut from Rosebank Villas across the High Street towards Hoe Street between large on-street planters and the loading bay. The proposed hub would narrow the width of this short route, but it would not entirely obstruct the ability to make this small diagonal pedestrian manoeuvre. Moreover, alternative routes avoiding the proposed hub are neither difficult nor restricted, including the wide footway in front of the units described above. This would take pedestrians along only a short distance to the safe crossing points at the Hoe Street junction. Alternatively, it would be negligibly longer and almost of no inconvenience at all to walk directly from Rosebank Villas to the left of the tree planters and into this part of High Street (and vice versa).
10. In addition to the loading bay, the pedestrian environment at the appeal location is further affected by various things including numerous large tree planters, benches, cycle stands, bins, lighting columns, phone boxes and outside seating associated with food outlets. This is all positioned in a zone between the wide footway in front of the units and the central vehicular highway. The appeal proposal would be similarly positioned in this zone. Notably, there are also two broadly similar features to the appeal proposal on this part of the High Street. This includes a large cube structure (with similar dimensions to a phone box) directly opposite the appeal site to the north which appears to be an advertising structure for a local cinema. A short distance to the east is a large rectangular upright stand hosting an LCD screen for 'Waltham Forest Information'. This is positioned in a gap between a street planter and the phone boxes close to the Hoe Street junction, comparable to the appeal site and proposal, without seemingly any detrimental effect on pedestrian capacity or manoeuvres. Overall, I find the capacity of the highway environment with the proposed hub in situ would be capable of safely and conveniently accommodating pedestrian footfall in this part of the High Street.
11. Reference is made to the efforts to improve the highway environment at this end of the High Street. If there is a wider concern about the impact of the appeal proposals on the character and amenity of this part of the High Street this is not entirely clear. In any event, the proposed hub and advertisement would be positioned in a location with a strong commercial character where a feature such as the appeal proposal would be anticipated. Accordingly, there would be no harm on wider amenity or highway environment grounds.
12. I therefore conclude the proposed hub and advertisement would not result in harm to highway safety, with particular regard to the capacity to accommodate pedestrian movements. The proposals would therefore accord with Policies 53 and 60 of the Waltham Forest Local Plan Part 1 (2024) which require, amongst other things, that development proposals provide for appropriate safe and legible physical connections, facilitate inclusive, safe and accessible environments for all, create environments where residents and visitors choose to walk, improve the quality and resilience of the public realm, support permeability for active modes of travel and deliver more attractive, accessible and safe streets.

Conclusion and conditions

13. I have had regard to all other matters raised but there is nothing that leads me to conclude other than Appeal A be allowed, and Appeal B be consented for the reasons given.
14. In respect of Appeal A in addition to the standard condition for the time limit, a further condition setting out the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. As set out above, the environment in this part of the High Street has clearly benefitted from significant investment to improve the public realm. Consequently, it is necessary to impose conditions requiring the external materials (appearance) of the hub to accord with those specified in the application documentation and to ensure that its installation and any necessary remediation of the pavement is completed with minimal interference and to an appropriate standard.
15. In respect of Appeal B, whilst the LPA appeal questionnaire states no additional conditions beyond the five standard conditions, the delegated officer report recommends that the luminance of the proposed LCD display should be limited to no more than 600 candelas per square metre (cd/m²) and turned off at night. Given the various residential properties at first floor level and above overlooking the appeal location I consider that the principle of such a condition would be appropriate, as was suggested by the appellant. However, given the street lighting, commercial activity and traffic lights at the appeal location I do not consider turning the advert off at night would be necessary. However, it would be justified in the interests of residential amenity to restrict the luminance during the hours of darkness to 600cd/m² as per the appellant's submitted technical specifications. I have also imposed an additional condition, as suggested by the appellant, to limit the frequency at which the advertisements would change on the display unit to no less than every 10 seconds. Such a condition would be necessary for highway safety so as not to distract highway users given the blended environment for pedestrians and vehicles. The appellant suggested further conditions regarding visual impacts and a management plan, but I do not consider these would be necessary to make the proposal acceptable and so I have not imposed them.

David Spencer

Inspector.

Appendix 1 - Conditions

Appeal A

- 1) The development hereby permitted shall begin no later than the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and thereafter maintained as such for the lifetime of the development:

Site Plan and Images (Reference A02354)

Appendix A: Hub Unit Detail

Communication Hub Product Details and Benefits document

- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those specified in the document Appendix A: Hub Unit Detail (undated) and shall thereafter be retained as such for the lifetime of the development.
- 4) The development hereby permitted shall include pavement remediation works in accordance with the submitted document titled 'Appendix C – Pavement Reinstatement' (undated) and shall thereafter be retained as such for the lifetime of the development.

Appeal B

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

- 1) The intensity of the illuminance of the advertisement shall be no greater than 600cd/m² during hours of darkness.
- 2) The minimum time between successive displayed images shall be 10 seconds.

Ends.