



Appeal Decisions

Site visit made on 16 December 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal A Ref: APP/G4240/W/24/3345889

Pavement o/s 72 Old Street, Ladysmith Centre, Ashton-under-Lyne OL6 7JR

- 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 Mr Nathan Still of In Focus Public Networks against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 24/00152/FUL.
- The development proposed is described as installation of multifunctional communication hub including defibrillator and advertisement display.

Appeal B Ref: APP/G4240/H/24/3345904

Pavement o/s 72 Old Street, Ladysmith Centre, Ashton-under-Lyne OL6 7JR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
- The appeal is made by Mr Nathan Still of In Focus Public Networks against the decision of Tameside Metropolitan Borough Council.
- The application Ref is 24/00153/ADV.
- The advertisement proposed is described as installation of multifunctional communication hub including defibrillator and advertisement display.

Decisions

1. Appeal A is allowed and planning permission is granted for installation of multifunctional communication hub including defibrillator and advertisement display at pavement o/s 72 Old Street, Ladysmith Centre, Ashton-Under-Lyne OL6 7JR in accordance with the terms of the application, Ref 24/00152/FUL, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of a multifunctional communication hub including defibrillator and advertisement display at pavement o/s 72 Old Street, Ladysmith Centre, Ashton-Under-Lyne OL6 7JR in accordance with the terms of the application, Ref 24/00153/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 the additional conditions in the attached schedule.

Preliminary Matters

3. The two appeals relate the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a multifunctional communication hub (the hub). Appeal B concerns the refusal of express consent for an advertisement display on the hub. I have considered each appeal on its individual merits,

however, as they raise similar issues, I have combined both decisions into a single decision letter.

4. In respect of Appeal B, the Advertisements Regulations require that decisions are made only in the interest of amenity and public safety. Therefore, whilst I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
5. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.

Main Issue

6. The main issue in respect of both Appeal A and Appeal B is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site relates to a section of pavement on the northern side of Old Street in the centre of Ashton-under-Lyne. The site is located within the primary shopping area and is adjacent to the boundary of the Ashton Town Centre Conservation Area (the CA).
8. The nearby CA covers a relatively large area, encompassing the main commercial and retail core, which offers a mix of pedestrian and vehicular routes. The CA features a diverse blend of buildings and architectural styles, with traditional buildings standing alongside more modern development. Its significance in part therefore derives from its role as a commercial and retail centre, as well as the diversity of the built environment.
9. The appeal site is located adjacent to the Ladysmith Shopping Centre (shopping centre), which is a more modern building that likely dates from circa 1960s. The shopping centre contains commercial units at ground floor level facing out onto the pavement where the proposal would be sited, with a canopy overhanging part of the pavement.
10. An entrance point into the shopping centre is located to the northeast of the appeal site and a section of the highway adjacent to the appeal site is used by waiting taxis. As such, I observed that the appeal site is active and busy, with people continually passing by.
11. The pavement between the shopping centre and the vehicular highway of Old Street is reasonably wide and the vicinity features several structures and items of street furniture, including street lighting columns, bins, a large planter and tables and chairs associated with a nearby café / restaurant underneath the canopy. Additionally, to the east of the appeal site a BT hub has been installed, however at the time of my visit this was covered and not operational. Furthermore, a two-sided paper display advert is situated outside the entrance to the shopping centre.
12. The proposed installation would be an upstanding rectangular structure, centrally located within the pavement. The west-facing side would comprise primarily of the LCD advertisement, while the east-facing side would house features including a

free to call landline, wayfinding screen, emergency service access and a defibrillator, sheltered by a projecting canopy.

13. Considering the bustling, commercial site context, the relationship to the nearby shopping centre and other existing features positioned on the street in the wider area, the scale and appearance of the proposed installation would be broadly in keeping with its surroundings. Its simple design would be compatible with neighbouring commercial uses, and I find that the proposal would not represent a visually imposing and incongruous item, either on its own or in combination with other nearby street furniture and advertisements. It would therefore not adversely affect its immediate surroundings.
14. Additionally, this section of the street is characterised by commercial properties which advertise themselves with fascia signs and there are examples of existing freestanding adverts in the vicinity. In this context, and subject to conditions to control the images displayed and the illumination at night, I can see no harm to visual amenity from the size, position and method of illumination of the advertisement on the hub.
15. Turning to the effect on the designated heritage asset, the proposed installation would be visible from views within the CA and also views towards the CA from outside. However, given the above-mentioned site context and busy nature of existing activities in this commercial area, I do not find the proposal would result in harm to the setting of the adjacent CA.
16. For the reasons given above, I conclude that the proposal would not harm the character and appearance of the area, and it would preserve the significance of the setting of the adjacent CA. The proposal would therefore accord with Policies C2 and C4 of the Tameside Unitary Development Plan (2004) and Policy JP-P2 of the Places for Everyone Joint Development Plan (2024) which together seek to ensure, amongst other things, that development proposals preserve and conserve the character and appearance of conservation areas. The proposal would also accord with the relevant provisions of the Framework, which have similar aims.

Other Matters

17. In respect of Appeal B, as mentioned above the Regulations require that advertisements be subject to control only in the interests of amenity and public safety. The Council have not suggested the proposal would affect public safety and I see no reason to disagree.

Conditions

18. The Council has provided a list of condition headings which are lacking in specific detail. Nevertheless, I have considered the suggested condition headings against the advice in the Planning Practice Guidance and the Framework, using my own wording to expand upon these headings where applicable.
19. For Appeal A, in addition to the statutory time condition (1), a condition listing the approved drawings (2) is needed to ensure clarity on what has been permitted.
20. In Appeal B, all advertisements granted express consent are subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations. In addition to these, to prevent visual intrusion it is necessary to apply a condition (1) to control the illumination of the advertisements so that they do not stand out significantly

from the background illumination in the street, particularly during darkness. To avoid the risk of distraction to passers-by, it is also necessary for conditions to ensure the change of image is instantaneous (2) and to ensure a minimum display time and to prevent the use of special effects and moving images (3).

21. The Council's suggested list of condition headings includes "construction hours" for both Appeal A and Appeal B. Whilst the Council's submission in respect of the conditions does not specifically detail what the construction hours should be, I note the Council's Environmental Strategy Officer (ESO) has suggested no work should take place outside the hours of 07:30 – 18:00 Monday to Friday, and 08:00 – 13:00 on Saturdays.
22. The Council's Officer Report acknowledges the ESO's suggested condition, however states that such a condition is not deemed necessary or relevant, having regard to guidance in the Framework. Given the town centre location of the appeal site, and the surrounding commercial nature, I find that this suggested condition is neither reasonable nor necessary to make the development acceptable. Consequently, it has not been included.

Conclusion

23. For the reasons given above, and taking into account all matters raised, both Appeal A and Appeal B are allowed.

R Major

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A - APP/G4240/W/24/3345889

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Part A - A02225 - Application Site Map and Images
 - A/489467/03 Rev A
 - Appendix B – Greater Manchester, Communication Hub Proposal, Hub Unit Detail

Appeal B - APP/G4240/H/24/3345904

In addition to the five standard conditions in the Regulations:

- 1) The intensity of the illumination of the advertisements permitted by this consent shall be consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements including digital displays" (PLG05, 2023) and shall be no greater than 300 cd/m² between dusk and dawn.
- 2) The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
- 3) The minimum display time for each advertisement shall be 10 seconds. There shall be no moving images and no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.

END OF CONDITIONS