
Appeal Decisions

Site visit made on 17 December 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 December 2024

Appeal A Ref: APP/G4240/W/24/3345903

Pavement at Southwest of Market Place, Hyde, Tameside SK14 1HL

- 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, In Focus Public Networks, against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00158/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/G4240/H/24/3345909

Pavement at Southwest of Market Place, Hyde, Tameside SK14 1HL

- 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, In Focus Public Networks against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00159/ADV.
 - The advertisement proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decisions

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site. One for the installation of the communication hub itself and the other for the advertisement screen which is integrated within it. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated. The descriptions of the proposed development and advertisement outlined above have been amended to provide a more accurate description of the proposal.
3. On the 12 December 2024, the Government published a revised version of the National Planning Policy Framework (the Framework). I have considered its amendments against the previous version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

4. For Appeal B, the Council's concerns relate solely to amenity with no substantive objections raised regarding public safety. Although the hub would be located near to a road, due to the width of the pavement, I see no reason for the proposal to impact on factors relevant to public safety. Conditions could be imposed, should consent be granted, to ensure that luminance and image changes would be appropriate for the location.

Main Issues

5. The main issue for Appeal A is the effect of the proposed development on the character and appearance of the surrounding area, including the setting of nearby listed buildings; and
6. The main issue for Appeal B is the effect of the proposed advertisement on visual amenity.

Reasons

7. The appeal site forms part of the pavement on the south western side of the Market Place, close to a bus shelter, and adjoins Market Street, a relatively busy thoroughfare. The Market Place is a relatively large, paved, open space comprising some street trees, raised beds and artworks which is enclosed on most sides by retail and other commercial buildings.
8. The Town Hall occupies most of the south western side of the Market Place and provides an attractive backdrop to the area, enhanced more so by the hard and soft landscaping and the artworks. Alongside the landscaping works, are several items of street furniture typically associated with a pedestrianised area, including a bus shelter, streetlighting, information boards, benches, bins, cycle stands and phone boxes. Advertisements in the immediate area appear to be mainly modestly sized shop fascia signs on buildings which are not over-prominent and do not detract from this part of the Market Place with its fairly traditional and historic feel. I did not see any especially large or illuminated advertisement panels in the immediate area.
9. At the time of my visit there were market stalls lining the northern and eastern side of the Market Place. Despite the amount of street furniture and market stalls, I saw that the central area was largely open and uncluttered. This openness allowed relatively unrestricted views within and across the Market Place and enabled its attractive character and appearance to be appreciated.
10. The bus shelter is a Grade II listed building (listed as bus shelter directly opposite Town Hall, Ref.1356444). It is described in the list description as formerly a tram shelter dating to the late 19th century. It mentions the cast iron structure, comprising four columns with a glazed long canopy with semi-circular ends, and describes its decorative details including elaborate cast iron finials on the roof. From the details before me, including the list description, and my visit, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is largely derived from its age, form, function, historic fabric, and architectural features.
11. The Town Hall (listed as Hyde Town Hall Ref.1393594) is also a Grade II listed building. The list description, amongst other things, explains that the building was listed as 'a symbolic expression of the town's new civic status as a municipal borough in 1881' and that it is a commanding building dominating

the centre of the town. It also states that it was listed for the quality of its craftsmanship and detailing of its exterior. From the details before me, including the list description, and my visit, I consider that the special interest and significance of the listed building, insofar as it relates to these appeals, is largely derived from its age, form, function, historic fabric, and architectural features.

12. Both the bus shelter and the Town Hall are clearly viewed from within the Market Place and from more distant views along Market Street and Clarendon Street. The bus shelter was clearly intended to be an attractive focal point in the streetscene, and views of it contribute to the significance of its setting. Likewise, the Town Hall was designed to be eye-catching and impressive and views of it also contribute to the significance of its setting. Therefore, the wider townscape context, including the visual relationship between the listed buildings, and other historic buildings in the immediate area, reinforce their historic and architectural interest and therefore their significance. Their setting contributes positively to the environment in which they are appreciated and experienced.
13. The proposed development, described as a hub, would comprise a fairly large, rectangular structure located a short distance to the rear of the listed bus shelter, and at right angles to it. On one side the structure would provide public facilities and the other side would display a internally illuminated, static LCD advertisements that automatically change.
14. In relation to Appeal A and B, I consider that although the hub would be relatively modern and slim in appearance, its overall dimensions and solidity would appear unlike other structures in the immediate area, and therefore give it undue prominence. It would also occupy part of the main open, public space within the Market Place, which would be a visual distraction. It would be seen from many angles within the area and in close visual association with the listed bus stop together with intervisibility with the Town Hall. Therefore, in relation to Appeals A and B, the proposal would be a harmful and dominant addition to the street scene. It would add to the visual clutter within the mainly open, thoughtfully landscaped surrounding area. It would also unduly distract and draw the eye from the townscape and the significance of the nearby listed buildings which I have described.
15. In relation to Appeal B, the proposed internally illuminated adverts with their typically high-resolution imagery, vibrant colours and changing images would be designed to attract attention. They would therefore increase the visual dominance of the structure in this open position. Therefore, even with measures to help mitigate the potential visual impact, including light sensors, turning the unit off overnight and controls to secure brightness and image changes, the digital display would be highly conspicuous and unlike anything nearby. On dull days and after dark even low luminance settings would be unlikely to satisfactorily diminish the proposal's vivid presence. It would therefore look highly incongruous and out of place within the streetscene. It would also draw attention away from the positive aspects of the listed buildings that I have identified, which are principal contributors to their significance. This would especially be the case when viewed from the north western side of the Market Place. Therefore, as an unexpected and distracting feature, it would compromise the ability to understand, appreciate and experience their architectural and historic interest and significance.

16. Whilst advertising screens of this size may be commonplace in urban locations such as this one, I saw no similar features in the immediate area. Furthermore, the proposal would not be viewed in the context of high levels of other vivid advertising imagery, and it would appear very different to other adverts nearby. Therefore, the proposed advertisement screen would appear as an incongruous addition within this area and would dominate the streetscape and seriously detract from the setting of the listed buildings to the detriment of the visual amenity.
17. With regard to Appeal A, as I have found harm to designated heritage assets, I am aware of my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The proposal would not, therefore, meet the expectations of the Act. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
18. Paragraph 212 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets or from development within its setting, and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
19. The appellant states that the proposal would provide a centralised point for multiple public services which would reduce the need for other stand-alone units thereby decreasing the street clutter. The unit would provide an efficient and reliable communications hub including a free payphone, device charging, wi-fi and interactive maps with transport service updates. It would also incorporate an emergency call button and a defibrillator. Furthermore, it is stated that the advertisements would provide community messaging in association with local councils, the police and charities, and funding for the unit would be from the advertising revenue. The appellant has also outlined that the hub would be powered by renewable energy.
20. Although the appellant suggests that many features of the hub are not fully addressed by existing provision in the area it is not clear to me what similar provision is currently available or the anticipated level of demand. Nor is it clear why it should be in this location.
21. Whilst there would undoubtedly be worthwhile public benefits arising from the proposal, based on the information before me, I attribute them limited weight. I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to designated heritage assets, which collectively I consider to be significant and to which I attach great weight. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. As such, the proposal would not comply with the Framework.

22. In relation to Appeal A, the proposed development would have a harmful effect on the character and appearance of the surrounding area including the setting of nearby listed buildings. It would therefore conflict with Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan Document (2024) (DPD) and Policies 1.3, 1.11, C6 and U2 of the Tameside Unitary Development Plan (2004) (UDP) which, amongst other things, seek high quality design which is sensitive to the character of the area and to conserve the setting of heritage assets. There is also conflict with paragraph 141 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
23. In relation to Appeal B, the proposed advertisement would harm visual amenity. As this harm would significantly and demonstrably outweigh the benefits of the proposal, it would conflict with paragraph 141 of the Framework and The Town and Country (Control of Advertisements) (England) Regulations 2007 (as amended). I have considered the above Development Plan policies to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Other Matters

24. The appellant has indicated that the Framework supports the roll out of digital infrastructure and that evidence from recently installed hubs in other city centre locations show that there is an appetite for their use. However, whilst some aspects of the proposal may be supported by national policy, this would not outweigh the harm that I have identified.

Conclusion

25. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that Appeal A and Appeal B should be dismissed.

G Bayliss

INSPECTOR