
Appeal Decisions

Site visit made on 23 December 2024

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal A Ref: APP/G4240/W/24/3351547

Pavement o/s The Arcades, Warrington Street, Ashton-Under-Lyne, OL6 7JD.

- 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 Infocus Public Networks Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00416/FUL.
 - The development proposed is the installation of advertised communication hub unit with defibrillator.
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Appeal B Ref: APP/G4240/H/24/3351550

Pavement o/s The Arcades, Warrington Street, Ashton-Under-Lyne, OL6 7JD.

- 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 Infocus Public Networks Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/00417/ADV.
 - The advertisement proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decision

1. Appeal A is allowed, and planning permission is granted for the installation of advertised communication hub unit with defibrillator at pavement o/s The Arcades, Ashton-Under-Lyne, OL6 7JD in accordance with the terms of the application, Ref 24/00416/FUL, subject to the conditions below:
 - 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 'Site Plan and Images' ref: A02224.
2. Appeal B is allowed, and express consent is granted for the display of an advertisement display on a multifunctional communication hub including defibrillator at pavement o/s The Arcades, Ashton-Under-Lyne, OL6 7JD in accordance with the terms of the application, 24/00417/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.

Preliminary Matters

3. There are two appeals which pertain to the same development. One is against the refusal of planning permission for the proposed communication hub and the second, is an appeal against the refusal to grant consent for the adverts on the hub.

As the applications were refused for identical reasons I have dealt with the cases in a single decision letter.

Main Issues

4. The main issues are the effect of the development on, firstly, the character and appearance of the area, and secondly, the safety of pedestrians.

Reasons

Character and appearance

5. The appeal site is located adjacent to The Arcades shopping centre in Ashton Under Lyne town centre. The Council highlight that the site is within an area planned for public realm improvements¹. While there are a number of listed buildings nearby, the appeal site is very much seen in the context of the busy pedestrian thoroughfare along Warrington Street and adjacent shopping centre.
6. As I saw when I visited the site, the immediate area contains a wide range of advertisements and street paraphernalia that one would expect to find in any town centre including lighting and CCTV columns, equipment cabins and a wide array of illuminated and non-illuminated advertisements. There is also an existing BT advertisement hub a short distance away.
7. The proposed hub would provide visitors to the town centre with free Wi-Fi, interactive maps, access to emergency services as well as a defibrillator. According to the Appellant, the hub would be a valuable addition supporting the modern needs of an urban environment while complementing the Market Square public realm improvement works. In light of the above, I concur with the Officer's Report which accepts the development would bring economic and health and social benefits to the town centre, in accordance with Places for Everyone² (PfE) Policy JP-C2 and section 8 and 10 of the National Planning Policy Framework (the Framework).
8. The Heritage Assessment submitted with the applications confirms that the development would not harm the significance of the Ashton Town Centre Conservation Area or nearby listed buildings. Given the diminutive scale of the proposed hub and the highly commercialised nature of the surrounding area, I see no reason to take a contrary view.
9. While the Council refers to ongoing public realm works no detailed plans have been provided and I am therefore unable to come to an informed view as to whether the communication hub would *"go against its grain and thus would detract from the Market Square and Ashton Conservation area"*, as asserted in the Officer's Report.
10. While the public realm works will undoubtedly improve the aesthetic environment within Market Square, I do not consider they will fundamentally change the character of the area to the point where the installation of advertisement hub could reasonably be argued to cause harm to the conservation area or the setting of nearby listed buildings. I therefore conclude that the proposed development would not conflict with PfE Policy JP-P2 or Policies C2 and C4 of the Tameside Unitary

¹ LPA Ref: 23/00561/FUL

² Full Title: Places for Everyone Joint Development Plan Document for Bolton, bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024

Development Plan (UDP) insofar as they seek to preserve and enhance the borough's conservation areas and listed buildings.

Pedestrian Safety

11. The Highway Authority provided an extract from one of the approved plans for the public realm improvement scheme in its consultation response. This shows that the hub would be located in an open area of 'granite paving'. There is simply nothing on the plan nor the consultation response to explain how the hub would conflict with the proposed scheme moreover result in "substandard pedestrian passing widths".
12. In relation to the latter, no local standards that might be breached have been referred to and no pinch points are indicated on the plan or in the consultation response. From my reading of the plan, which it must be said is extremely basic in terms of detail, the hub would be located in an open area with generous open space to all sides. By virtue of its design the hub would be highly visible and is not therefore a structure that would come as a surprise to a pedestrian in this location.
13. There is no evidence from the Highway Authority to demonstrate that advertisement hubs of this kind are a public safety nuisance. That is despite the proliferation of these structures across the country in recent years. In the sense that there would be physical structure where there was previously none, I accept there would be some form of obstruction that a pedestrian would have to avoid. However, that strikes me as a particularly poor argument for resisting development of this kind. All urban environments inevitably contain obstructions of one kind or another that pedestrians need to avoid. That is part and parcel of the world we live in and does not constitute a genuine public safety concern.
14. I am therefore satisfied that the hub would not conflict in any meaningful way with the improvement scheme nor form an unnecessary obstruction conflicting with free and safe movement of pedestrians. Accordingly, there would be no conflict UDP Policy T1 or PfE Policy JP-C6 insofar as they seek safe environments for pedestrians.

Conditions

15. Other than a condition relating to the hours of construction from the Council's Environmental Health team, no conditions have been suggested by the Council for either appeal. I have therefore imposed a standard time limit condition and specified the approved plans to provide certainty. Given the location and limited scale of the development and the fact that construction would be unlikely to occur outside of daylight hours, I do not consider the suggested restriction on working hours meets the test of necessity.

Conclusion

16. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR