



Appeal Decisions

Site visit made on 10 January 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal A Ref: APP/Q4245/W/24/3348895

Pavement outside Boots, School Road, Sale M33 7XZ

- 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 Network Limited against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113398/FUL/24.
 - The development proposed is installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/Q4245/H/24/3348897

Pavement outside Boots, School Road, Sale M33 7XZ

- 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 Network Limited against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113399/ADV/24.
 - The advertisement proposed is installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals are for related proposals on the same site. Appeal A concerns the refusal of planning permission to erect a multifunction 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. 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.

5. The decision notice in relation to Appeal A includes a reason for refusal concerning a lack of information in respect of disturbance arising from both noise and lighting. Furthermore, the decision notice in relation to Appeal B includes a reason for refusal concerning a lack of information in respect of disturbance arising from lighting.
6. As part of their submissions the Council has confirmed that matters relating to disturbance arising from lighting can be addressed by way of planning conditions. Consequently, they are content not to pursue this matter further in respect of both appeals. I have proceeded on that basis.
7. However, in the interest of clarity the Council's concerns relating to noise disturbance in respect of Appeal A remain and I have considered them below in my determination of this appeal.
8. 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 into account the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issues

9. The main issues in respect of both Appeal A and Appeal B are the effect of the proposal on:
 - the character, appearance and visual amenity of the area; and
 - the living conditions of nearby residents with particular regard to noise.

Reasons

Character and appearance

10. The appeal relates to a pedestrianised section of School Road close to its junction with The Mall, within Sale Town Centre. Both School Road and The Mall are characterised by typical town centre commercial and retail uses, with the buildings on School Road being largely traditional in appearance compared to the more modern and contemporary units along The Mall.
11. During my visit I observed significant numbers of people walking directly past the appeal site and accessing nearby units, as well as people sat on external tables and chairs that have been placed outside food and drink establishments. The animation of these activities gives this part of the town centre a busy and vibrant commercial character.
12. Street furniture near to the appeal site includes a number of trees, bollards, a post housing a CCTV camera, lighting columns, street signage, a phone box and a wooden planter which was also used for sitting. As such, street furniture features prominently in the street scene adjacent to the appeal site and the balance between the proliferation of street furniture and a clear and welcoming public realm is delicately posed in this section of the town centre.
13. Being part of the retail centre of Sale, and surrounded by commercial properties, this pedestrianised area is also not currently devoid of signage and advertising. Nearby shops have a variety of fascia signs, projecting signs, free-standing A-boards, and window adverts. Advertisements were also affixed to the nearby

phone box. I also observed three existing double-sided digital advertisement hubs along School Road and from various viewpoints all three of these advertisement hubs could be seen at the same time.

14. The proposed hub would be an upstanding rectangular structure, located in a gap between a tree and a collection of bollards, a lamppost, and a CCTV column. It would also be sited to the south of the wooden, shared planter and seating structure. The southeast-facing elevation of the hub would comprise primarily of the LCD advertisement, while the northwest-facing elevation would house features including a free to call landline, wayfinding screen, emergency service access and a defibrillator, sheltered by a projecting canopy.
15. By reason of a combination of its height and width, the hub would appear as a bulky and visually prominent structure in comparison to the other existing surrounding features within the immediate vicinity. The proposal would not integrate well with the existing adjacent street furniture and would contribute further street clutter within the public realm.
16. Furthermore, the addition of a fourth digital advertisement screen along School Road would result in an excessive number of digital advertisements within a relatively confined area of the town centre. The cumulative negative visual impact of the existing, and proposed, advertisements is only exacerbated by their illumination and frequently changing images, and that all four screens would be visible at the same time when looking west down School Road, from the most eastern located advertisement. Consequently, the proposed installation of an additional digital advertisement would detract from the visual amenity of the wider street scene and the town centre in general.
17. In view of the above, I conclude on this issue that the proposal would cause harm to the character, appearance and visual amenity of the area. It would therefore conflict with Policy JP-P1 of the Places for Everyone Joint Development Plan (2024) where it requires, among other things, that development respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used, and incorporates quality public realm.

Noise

18. Given the town centre location there are a mix of commercial uses within the ground floors of the nearby buildings. The Council's submission refers to residential properties above some of these ground floor commercial units, however limited details have been provided in respect of the locations and proximity of these residential uses in relation to the appeal site.
19. Nevertheless, given the wide nature of this pedestrianised street, and the lack of any ground floor residential units within the immediate vicinity, based on the evidence before me and my observations on site, the nearest residential properties would appear to be situated above ground floor level and a reasonable distance from the appeal site.
20. During my visit I observed that background noise in this area arose from the general activities associated with the relatively large number of moving pedestrians, as well as the sound of people's voices as they interacted or talked on mobile phones. As such and given my observations on the background noise in this busy town centre location, I find that noise from users interacting with the

speakers on the proposed hub would be unlikely to be discernible above the general activities that currently take place in this area.

21. Additionally, whilst acknowledging that the three existing advertisement hubs on School Road are not identical models to the appeal proposal, having spent time standing directly adjacent to these existing hubs I found that noise generated from the internal machinery and fans was barely audible. Furthermore, I have been presented with no substantive evidence that mechanical noise generated from the proposed unit, if properly maintained, would be unduly noisy, or that it would cause disturbance to the nearest residential properties which are located a reasonable distance from the proposed hub.
22. In view of the above, I am satisfied that I have sufficient information to conclude that the proposal would not result in an unacceptable impact upon the living conditions of nearby residents by way of noise and disturbance. I therefore find no conflict with Policy L7.3 of the CS, where it requires, among other things, that development proposals must not prejudice the amenity of adjacent properties by reason of noise and disturbance.

Other Matters

23. I have had regard to suggested conditions proposed by the appellant, as well as the standard conditions set out in Schedule 2 of the Regulations which relate specifically to Appeal B. However, these conditions would not overcome the harm I have identified.
24. 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 has not suggested the proposal would affect public safety and from what I saw of the site and from the evidence before me, I see no reason to disagree.

Planning Balance

25. I have had due regard to the benefits of the proposal. In respect of Appeal A, paragraph 119 of the Framework states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communication networks. The hub would therefore support the Government's aim of improving digital infrastructure.
26. The proposal would also improve the communication provision in this area, provide greater connectivity and enable users to access the digital network without charge. The hub would incorporate a defibrillator and I acknowledge the comments from the Community Heartbeat Trust in this respect. A range of integrated functions and facilities would also be provided, such as access to emergency services, USB charging, CCTV and wayfinding, and the hub would be powered by solar energy.
27. I also note the submission states that as part of the project to deliver several hubs in the wider area, up to three additional solo defibrillator units would be supplied for the Council to determine the most suitable locations. However, I have very limited information in respect of the provision of these additional solo defibrillator units, or any mechanism before me to ensure that they are provided. This

therefore limits the weight I can attribute to this matter in favour of the appeal scheme.

28. Nevertheless, when taken together, I find that all the above-mentioned benefits do not outweigh the harm I have identified that the proposal would have upon the character and appearance of the area.
29. In respect of Appeal B, the Regulations require that decisions are made only in the interest of amenity and public safety. As such, most of the proposed benefits put forward by the appellant cannot be taken into consideration in my decision for Appeal B. Nonetheless, even in a scenario whereby I accepted that use of the advertisement to display emergency messages and public messaging campaigns was a public safety matter relevant to the control of advertisements, the benefits derived from it would not overcome the harm I have identified to visual amenity.

Conclusion

30. I conclude that the appeal proposal would not have a harmful impact upon the living conditions of nearby residents. However, for the reasons given, I have concluded that the proposal would harm the character, appearance and visual amenity of the area.
31. The proposal therefore conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, both Appeal A and Appeal B are dismissed.

R Major

INSPECTOR