



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/24/3348900

Pavement outside Urmston Library, Hilton Avenue, Urmston, Trafford M41 0NA

- 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 113396/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/24/3348901

Pavement outside Urmston Library, Hilton Avenue, Urmston, Trafford M41 0NA

- 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 113397/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 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, appearance and visual amenity

10. The appeal relates to a section of pavement on the northern side of Hilton Avenue, within Urmston Town Centre. This pavement provides a pedestrian access route between the commercial properties on Crofts Bank Road (B5214) and the shops and premises at Eden Square and Golden Way. Consequently, during my visit I observed significant numbers of people walking directly past the appeal site in both directions.
11. The surrounding context predominantly consists of three storey properties of varying ages, although directly adjacent to the appeal site the buildings are more modern in age and appearance. These nearby properties consist of commercial uses at ground floor level, with the Council's submissions stating that some of these units have residential use above. A layby for taxis and loading vehicles, on Hilton Avenue, is also situated adjacent to the appeal site.
12. Street furniture in the immediate vicinity includes lighting columns, trees and a bench which are all aligned in a linear arrangement. Also visible from the appeal site I observed bollards, a gritting box and cycle racks, as well as a piece of street art which also acts as a directional sign pointing towards Eden Square.
13. Due to the wide nature of the pavement and the alignment of the existing street furniture adjacent to the appeal site, this footway currently appears uncluttered. It therefore provides a pleasant environment to walk, reflecting the suburban character of this appealing town centre.
14. The proposal seeks to install an upstanding rectangular multifunction hub. It would comprise primarily of an LCD advertisement on one side, with the other side

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

15. Given the wide and uncluttered nature of the pavement and taking into account the scale and slim design of the existing street furniture, through a combination of both its height and width the proposed hub would be a visually intrusive and bulky addition to the street scene. Additionally, according to the submitted plan the hub would not directly align with the existing trees, lighting column and bench along this section of the footway. The proposal would consequently disrupt the existing spatial balance between the pavement and the buildings, as well as adding street clutter, to the detriment of the street scene.
16. Given the commercial character of the area I acknowledge there are a variety of advertisements in the locality, including non-illuminated and illuminated signs on the surrounding ground floor premises. However, these are generally confined to the buildings rather than being freestanding in the footway. Furthermore, digital display advertisements are not a feature of this area.
17. The incompatible and prominent siting of the proposed digital advertisement, made more conspicuous by its illumination and changing images, would therefore undermine the attractive qualities of this part of the town centre and harm visual amenity.
18. In view of the above, I conclude on this issue that the proposal would harm 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) and Policy W2 of the Trafford Local Plan: Core Strategy (2012) (CS). These policies together require, 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 high quality in the design and finish of the public realm.

Noise

19. Given the town centre location there are a mix of commercial and community 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.
20. I also note the Council has referred to sites within the area which either included, or are proposing, residential use. However, again limited information has been provided in respect of their exact relationship to the appeal site, whether they have been implemented and/or their current planning status.
21. Nevertheless, given the wide nature of the pavement, 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 above ground floor level and a reasonable distance from the appeal site.
22. During my visit I observed that when stood on the appeal site background noise from ongoing activities in this area was significant. Audible sources of this background noise included the almost constant sound of vehicles using the busy

Crofts Bank Road to the east, as well as the more infrequent, but louder, beeping noise arising from use of the nearby pedestrian crossing on this highway.

23. Vehicles using Hilton Avenue were also clearly audible from the site, however due to the less busy nature of this highway this sound was less frequent than the noise from Crofts Bank Road. Other sources of noise included the running engine of a waiting taxi and a van unloading goods in the adjoining layby. An extraction fan, likely affixed to a nearby commercial unit, could also be heard, although its exact location was unclear from street level. Additionally, given the relatively high level of pedestrian footfall along this street, the sound of people's voices as they interacted or talked on mobile phones was a component of the character of the area.
24. As such, given my observations on the background noise in this 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. Moreover, I have been presented with no substantive evidence that noise generated from the machinery and fans within the unit, if properly maintained, would be unduly noisy, or that they would cause disturbance to the nearest residential properties which are located a reasonable distance from the site.
25. 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

26. 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.
27. 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

28. 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.
29. 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.

30. 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.
31. 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.
32. 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

33. 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.
34. 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