



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: 22nd January 2025

Appeal A Ref: APP/Q4245/W/24/3348889

Pavement on Shaws Road, Altrincham, Trafford WA14 1RH

- 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 113388/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/24/3348890

Pavement on Shaws Road, Altrincham, Trafford WA14 1RH

- 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 113389/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 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. Whilst not specifically referred to in the original appeal submissions, or included within the reasons for refusal on either Appeal A or Appeal B, my attention has been drawn to the appeal site being located within the area covered by the Altrincham town centre neighbourhood business plan (2017) (ATCNBP). The ATCNBP forms part of the Development Plan and the main parties were given the opportunity to comment on the implications of the ATCNBP for both Appeal A and Appeal B. Whilst neither party provided any comments, I have taken the ATCNBP into account in my consideration of these appeals.

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.
6. 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.
7. 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.
8. 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.
9. 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, as well as the relevant policies within the ATCNBP, these have not been decisive in my determination of this appeal.
10. The appeal site is situated within the George Street Conservation Area (the CA) and therefore in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

11. 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, including the CA and non-designated heritage assets; and
 - the living conditions of nearby residents with particular regard to noise.

Reasons

Character, appearance and visual amenity

12. The appeal relates to a section of the wide pavement on Shaws Road, within a pedestrianised part of Altrincham Town Centre. The surrounding properties are commercial at ground floor level, mainly consisting of retail and café uses, with the Council's submission stating that some of these nearby units have residential use on their upper floors.
13. The surrounding area contains buildings of varying architectural styles and ages, including attractive historic buildings within terrace rows and more modern, larger, purpose-built retail units. Street furniture is present along this section of Shaws

Road, including a bench, a cycle rack, 5no. square seating blocks and a centrally aligned row of street trees. These items of street furniture are well designed and spaced, with appropriate visual breaks between them.

14. The quality and layout of the existing street furniture, along with the attractive mix of flag and cobbled street surfacing, provides the public realm in this part of the town centre with an uncluttered and coherent appearance. These features therefore add to the visual quality of the street scene and result in this part of the town centre being a welcoming place to walk and visit.
15. In this regard, I observed significant numbers of people walking directly past the appeal site, as well as people using the external tables and chairs that have been placed outside some of the cafes along Shaws Road. The animation of these activities gives this part of the town centre a busy and vibrant commercial character.
16. As mentioned above, the appeal site is located within the CA. The significance of the CA in part derives from its historic value as an urban settlement from the medieval period where it consisted of a mixture of residential properties and workshops. The present use of this part of the CA as a strong retail and commercial hub has continually evolved since the Victorian period, resulting in the above mentioned varying architectural style and ages of the buildings in the area.
17. Additionally, the George Street Conservation Area – Supplementary Planning Document SPD5.1 (2014) identifies a number of positively contributing buildings in the vicinity of the appeal site and the Council considers these to be non-designated heritage assets. They include the prominent corner building at 2 Cross Street / 69 George Street; the terrace properties at 60-64 George Street; and the row of terrace properties at 3-13 Shaws Road.
18. As a result of their age, style, materials and form, these buildings reflect substantial elements of the CA, including through their traditional functional character and uses. Furthermore, the attractive and traditional shop fronts found on the prominent corner properties at 60 George Street and 2 Cross Street / 69 George Street both make an important contribution to the street scene in this part of the CA.
19. Consequently, the section of Shaws Road within which the appeal site is situated, consisting of a number of attractive nearby properties, quality public realm and its vibrant commercial character, makes a positive contribution to the significance of the CA.
20. The proposed hub would occupy a prominent position close to the busy pedestrian junction where Shaws Road joins George Street. Through a combination of both its height and width the hub would be a visually intrusive and bulky addition to the street scene in comparison to other existing items of street furniture in the immediate area. Furthermore, the introduction of this new piece of street furniture, requiring the existing bench to be relocated to a gap between two street trees, would result in a reduction in the space between existing street items along this section of Shaw Road, adding visual clutter to this part of the street.
21. Additionally, the hub would be sited closer to George Street than the first centrally located street tree on Shaws Road. This siting, along with the bulky appearance, would dominate and partially obscure the sight lines and views between Shaws Road and George Street to the detriment of the visual amenity of the street scene. The design and siting of the hub would also partially impede views of the

surrounding non-designated heritage assets, and it would have a harmful impact upon the character and appearance of the CA.

22. Given the commercial character of the area, there are a variety of advertisements in the locality, including illuminated and non-illuminated fascia signs, along with projecting signage, on shop fronts. There was also a significant number of modest sized freestanding A-board signs placed along Shaws Road.
23. Nevertheless, digital display advertisements were not a feature of this street scene. Consequently, the incompatible and prominent siting of the proposed digital advertisement, made more conspicuous by its illumination and changing images, would undermine the largely traditional and attractive qualities of the townscape and public realm within this part of the CA, causing harm to visual amenity.
24. For the reasons given, I therefore find the proposal would have an unacceptable impact on the character and appearance of the area, and cause harm to visual amenity. Furthermore, it would cause harm to the significance of the nearby non-designated heritage assets and would not preserve or enhance the character or appearance of the CA.
25. In light of the above, I find the proposal would lead to less than substantial harm to the significance of the CA. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
26. 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.
27. 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 support 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.
28. 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 as a public benefit.
29. Nonetheless, when taken together the above-mentioned public benefits attract moderate weight in favour of the proposal. However, these public benefits do not outweigh the great weight I must attach to the preservation of the CA.
30. 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. Nevertheless, 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 public benefits derived from it would not overcome the harm I have identified to visual amenity.

31. In view of the above, I conclude on this issue that the proposal would harm the character, appearance and visual amenity of the area. Furthermore, it would harm the significance of the nearby non-designated heritage assets and it would not preserve or enhance the character or appearance of the CA.
32. The proposal would therefore be contrary to Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan (2024) (PfE Plan), Policies R1 and W2 of the Trafford Local Plan: Core Strategy (2012) (CS) and Policy D of the ATCNBP. 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; incorporates high quality in the design and finish of the public realm; that the heritage significance of a site or area is considered in accordance with national policy; and that development conserves the historic environment and preserves and enhances heritage assets. The proposal would also fail to satisfy the requirements of the Act and the relevant sections of the Framework.

Noise

33. 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.
34. Nevertheless, given the relatively 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.
35. During my visit I observed that background noise in this area arose from the general activities associated with the large number of moving pedestrians, as well as the sound of people's voices as they interacted or talked on mobile phones, including those sat outside nearby cafes. As such and given my observations of this busy and vibrant 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 activities that currently take place in this area.
36. 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 site.
37. 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 Trafford Local Plan: Core Strategy (2012), 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

38. 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.
39. 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 from what I saw of the site and from the evidence before me, I see no reason to disagree.

Conclusion

40. 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 significance of the nearby non-designated heritage assets, would not preserve or enhance the character or appearance of the CA, and would cause harm to the character, appearance and visual amenity of the area.
41. 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