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## Appeal Decision

Site visit made on 7 January 2025

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

**Decision date: 5<sup>th</sup> February 2025**

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### **Appeal A Ref: APP/K3605/W/24/3351207**

#### **Pavement outside Unit 59, The Heart, Walton-on-Thames KT12 1GH.**

- 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 In Focus Public Network Limited against the decision of Elmbridge Borough Council.
  - The application Ref is 2024/1005.
  - 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/K3605/H/24/3351209**

#### **Pavement outside Unit 59, The Heart, Walton-on-Thames KT12 1GH.**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by In Focus Public Network Limited against the decision of Elmbridge Borough Council.
  - The application Ref is: 2024/1037.
  - The development proposed is 86 inch LCD screen capable of showing illuminated static and animated displays in sequence comprising commercial and community messages.
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## Decisions

### **Appeal A Ref: APP/K3605/W/24/3351207**

1. Appeal A is allowed and planning permission is granted for the installation of a modern multifunction Hub Unit featuring an integral advertisement display and defibrillator at Pavement outside Unit 59, The Heart, Walton on Thames KT12 1GH in accordance with the terms of application Ref: 2024/1005, subject to the conditions set out in the Schedule attached to this Decision.

### **Appeal B Ref: APP/K3605/H/24/3351209**

2. Appeal B is allowed and express consent is granted for the display of 86 inch LCD screen relating to installation of a multifunctional hub as applied for and in accordance with the terms of application Ref: 2024/1037. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the Schedule attached to this Decision.

## **Preliminary Matters**

3. It would appear that there were a number of proposals submitted at a similar time for a multi-functional hub featuring integral advertisement display, including two within the town centre of Walton on Thames, including the appeal before me and also one on the pavement outside of Unit 9 of the Heart. The Council's reference numbers for the proposal outside the latter were 2024/1010 and 2024/1044. That proposal is not before me; only the proposal outside No 59 The Heart.
4. Appeal A relates to the refusal of planning permission for the proposed hub and Appeal B is in respect of refusal of advertisement consent for the digital signage which would be an integral part of the proposed hub sought under Appeal A. I have considered both appeals on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
5. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.
6. The Framework was revised in December 2024. I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

## **Main Issue**

7. I consider that the main issue in respect of Appeals A and B is the effect of the proposals on the character and appearance and visual amenity of the area.

## **Reasons**

8. The appeal site is on the south west side of Hepworth Way to the west of the junction with the High Street and Bridge Street within the town centre of Walton on Thames. There are shops fronting Hepworth Way, and further to the south-west is a pedestrianised shopping area forming part of The Heart Shopping Centre.
9. The appeals relate to a freestanding hub, with an integral advert display on one side with a call facility under a protective canopy on the other. The hub would have a width of 1338 mm and overall height of 2630mm; the depth of the main vertical element would be 315mm with the protective canopy extending out a further 600mm. There would be an LCD screen display screen on one side measuring 1895 mm by 1065 mm, together a smaller 32 inch touch screen including a call facility and access to other services, under a protective canopy on the other. The proposal would provide a range of services, including, amongst others, free Wi-Fi, free phone calls to landlines and charities, defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies such as environmental conditions, CCTV and key data. These features are implemented with all units powered by green electricity and lit using high- capacity batteries, powered by solar energy.

10. This part of Hepworth Way benefits from a very wide footway of some 10m depth. The expanse of footway has a number of street trees with some street furniture including cycle racks and an information board between the street trees and the kerb. I understand that there can be outside seating on part of the footway associated with some of the retail units. I have taken into account these various uses and street furniture but with the hub in place, there would still remain a generous width of unencumbered footway. I do not therefore consider that pedestrian flows would be materially affected from the introduction of the hub in this location.
11. Hepworth Way has a spacious feel on account of the combined width of the carriageway and footways and set back of the modern buildings, particularly on the south west side. In that context, the scale of the hub and display would be moderated by the space about it. Although it would be viewed as a notable feature, as it is intended to be, it would respect the human scale of the streetscape and not be unduly prominent or obtrusive within it. Given the wide mix and different scales of development in the immediate vicinity of the proposed siting, the hub would be readily integrated into this part of the town centre and would not be visually intrusive. I am also satisfied, given its scale and siting in relation to the surrounding townscape and main road that it would not harm the pedestrian experience along the street and in this part of the town centre.
12. Although there is other street furniture, along this part of Hepworth Way, the proposed hub would be sited with a generous spacing to the cycle racks and the existing information board and with the street trees separating it from the main part of the footway, I am satisfied that it would not result in a material increase in street clutter. The proposed siting would also provide an adequate degree of visual separation and avoid any sense of an excessive proliferation of advertising in the immediate vicinity.
13. In respect of the levels of illumination which particularly relates to Appeal B, the proposed conditions from the Appellant confirm that the advertisement screen would be switched off between the hours of 12.00 midnight and 06.00 each day. The Appellant's proposed conditions also propose that the illumination levels shall not exceed 300 candelas per square metre (cd/m<sup>2</sup>) during the hours of darkness, although the application forms refer to the illuminance level being 300 cd/M<sup>2</sup> without reference to any higher levels during daylight hours. Although this is a town centre location, I consider that that the illumination levels set out on the application forms should be adhered to, in order to protect visual amenity. This would also be within the recommended luminance as set out by The Institute of Lighting Professionals Professional Lighting Guide 05: *The Brightness of Illuminated Advertisements* 2015.
14. The Council has drawn my attention to a proposal that was dismissed at appeal in the High Street at Esher on visual amenity grounds, but no other information has been provided and my assessment has been based on the individual merits of the proposal before me. I have had particular regard to the modern developments within the immediate vicinity of the proposed hub and in that context, the freestanding hub would be readily assimilated into street scene views.
15. I therefore conclude that the proposal under Appeals A and B would respect the character and appearance and visual amenity of the local area. There would be no

conflict with Policies CS3, CS17 and CS18 of the Elmbridge Core Strategy (2011), Policies DM2, DM15, DM16 of the Elmbridge Local Plan Development Management Plan (2015), as well as the Framework, and in particular Sections 12 all of which amongst other matters seek a high quality of design which respects the local context.

### **Other Considerations**

16. A number of representations have raised public safety matters. However, given the proposed siting on the wide footway and in relation to the adjoining highway, clear of any junctions and not affecting sightlines, I do not consider that there would be any public safety issues arising from the proposal either in respect of pedestrians or road users. The Council also did not refuse the proposals on this ground, following no objections being raised by the Highway Authority.

### **Conditions**

17. The Council has proposed a number of conditions in respect of these proposals. In addition to the standard condition regarding commencement of development, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition to require the submitted Unit Management Plan to be followed at all times to protect the amenities of the local community.
18. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations and need not be separately set out. In addition, in the interests of both amenity and public safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary. The Council has sought for the illumination levels to be no greater than 300 cd/m<sup>2</sup> and the Appellant has offered that the advertisement screen shall be switched off between midnight and 06.00. I have therefore imposed conditions to this effect. I have also imposed a condition to protect the aural environment.

### **Conclusion**

19. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that Appeals A and B should be allowed.

*L J Evans*

INSPECTOR

### **Schedule of Conditions**

#### **Conditions in relation to Appeal A Ref: APP/K3605/W/24/3351207**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan; Site Plan and A/489467/05 Rev B
3. The hub hereby approved shall be operated at all times in accordance with the details of the approved Communication Hub Unit Management Plan V4 June 2023 or as may be subsequently updated.

#### **Additional Conditions in relation to Advertisement Consent under Appeal**

##### **B: APP/K3605/H/24/3351209**

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 300 candelas per square metre. The advertisement screen shall be switched off between the hours of 12.00 midnight and 06:00.
2. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
3. The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
4. No music or sound shall be emitted from the advertisements.
5. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

End of Conditions Schedule