



Appeal Decisions

Site visits made on 1 April 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal A Ref: APP/Q3820/W/24/3354394

Pavement o/s 23 Queensway, Crawley RH10 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Infocus Public Networks Limited against the decision of Crawley Borough Council.
 - The application Ref is: CR/2024/0282/FUL.
 - The development proposed is installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal B Ref: APP/Q3820/H/24/3354395

Pavement o/s 23 Queensway, Crawley RH10 1EE

- 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 Infocus Public Networks Limited against the decision of Crawley Borough Council.
 - The application Ref is: CR/2024/0283/ADV.
 - The development proposed is an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device (in connection with installation of a multifunctional communication Hub including defibrillator and advertisement display.).
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Appeal C Ref: APP/Q3820/W/24/3355016

Pavement o/s 14-26 The Broadway, Crawley RH10 1DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Infocus Public Networks Limited against the decision of Crawley Borough Council.
 - The application Ref is: CR/2024/0464/FUL.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display.
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Appeal D Ref: APP/Q3820/H/24/3355018

Pavement o/s 14-26 The Broadway, Crawley RH10 1DS

- 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 Infocus Public Networks Limited against the decision of
 - Crawley Borough Council.
 - The application Ref is: CR/2024/0465/ADV.
 - The development proposed is an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device (in connection with installation of a multifunctional communication Hub including defibrillator and advertisement display.).
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Decisions

Appeal A: APP/Q3820/W/24/3354394

1. Appeal A is allowed and planning permission is granted for installation of a multifunctional communication Hub including defibrillator and advertisement display at Pavement o/s 23 Queensway, Crawley RH10 1EE in accordance with the terms of application Ref: CR/2024/0282/FUL, subject to the conditions set out in the Schedule attached to this Decision.

Appeal B Ref: APP/Q3820/H/24/3354395

2. Appeal B is allowed and express consent is granted for the display of an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device (in connection with installation of a multifunctional communication Hub including defibrillator and advertisement display.) and in accordance with the terms of application Ref: CR/2024/0283/ADV. 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.

Appeal C Ref: APP/Q3820/W/24/3355016

3. Appeal C is allowed and planning permission is granted for installation of a multifunctional communication Hub including defibrillator and advertisement display at Pavement o/s 14-26 The Broadway, Crawley RH10 1DS in accordance with the terms of application Ref: CR/2024/0464/FUL, subject to the conditions set out in the Schedule attached to this Decision.

Appeal D Ref: APP/Q3820/H/24/3355018

4. Appeal D is allowed and express consent is granted for the display of an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device (in connection with installation of a multifunctional communication Hub including defibrillator and advertisement display.) and in accordance with the terms of application Ref: CR/2024/0465/ADV. 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

5. Appeals A and C relate to the refusal of planning permission for the proposed hubs. Appeals B and D are in respect of refusal of advertisement consent for the digital signage which would be an integral part of the proposed hubs sought under Appeal A and C. In respect of each pair of appeals, I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
6. In respect of Appeals B and D, 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.
7. In respect of Appeals A and B amended plans were submitted during the course of the application on 27 August 2024 to amend the siting of the proposed hub. This set of plans are all marked Rev B. I have determined these appeals on the basis of the plans as determined by the Council.
8. The Council has advised that the Crawley Borough Local Plan 2023 – 2040 (Local Plan) was adopted on 16 October 2024, after the Council determined the applications now the subject of these appeals. The decision notices referred to both the Crawley Borough Local Plan (2015 – 2030) as well as to the draft policies from the Crawley Borough Local Plan (2030 - 2040). It is therefore my understanding that the recently adopted Local Plan now supersedes the earlier Local Plan and I shall not refer further to the earlier Plan. As the policies from the recently adopted Local Plan were referenced in the decision notices, there is no need to seek any views on these policies.

Main Issues

9. I consider that the main issues in respect of each of the appeals (Appeals A- D) are:
 - The effect of the proposals on the character and appearance and visual amenity of the area including The Queens Square and The Broadway Conservation Area, and
 - The effect of the proposals on public safety.

Reasons

Background

10. The appeals relate to a freestanding hub in two separate locations within Crawley Town Centre, each with an integral advert display on one side with a call facility under a protective canopy on the other.
11. Each hub would have a width of 1338 mm and overall height of 2630mm; the depth of the main vertical element would be 317mm 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 (86 inch screen), together with a 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.

Appeals A and B: Character and Appearance

12. The proposed communication hub would be sited at the eastern end of the pedestrianised section of Queensway leading to the central space of Queens Square further to the west. Queensway is within the primary shopping area with mainly two and some three storey buildings on both sides of the pedestrianised street, with retail and service uses at ground floor. The overall very generous width of the pedestrianised street comprises a central open section, with street trees and benches and other street furniture, including a freestanding directional and information sign all set in a straight line along the northern side and further pavement areas giving access to the shops and services, many of which have their ground floors set back under colonnades. Further to the east, Queensway has shops along the northern side and a generous pavement outside together with parking spaces and the Memorial Gardens opposite.
13. The site for the proposed hub would lie towards the eastern end of the Queens Square and The Broadway Conservation Area. This is focussed on the heart of the town centre and its character and appearance records the planned town centre for the New Town, with a strong Modernist influence in its buildings. Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, when determining proposals in conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
14. The proposed hub would be sited towards the eastern end of the pedestrianised section, to the south of No 23 Queensway, which is currently vacant, and within the 'line' of street trees and benches and other street furniture. It would be positioned in the space between two of the benches outside of No 23. It would have space around it and would not extend into the open section of the pedestrianised street nor forward of the line of street trees and benches. The very generous proportions of the street and set back of the buildings would enable the proposed hub to be easily accommodated in this space, without appearing over dominant or visually overwhelming. Its modern design with clean lines would fit well with the unembellished Modernist design of the surrounding buildings. Although it would add to the street furniture in this general location, its siting within the 'line' of street trees and street furniture and the generous proportions of the pedestrianised areas would not result in a material increase in street clutter.
15. Given my findings above and taking account of its siting and design, I am also satisfied that it would not harm the character and appearance of the Queens Square and The Broadway Conservation Area. It would be sited far enough away from the individual buildings not to distort their features nor the balance between

built development and open spaces which is a key feature within the Conservation Area. Given its siting I also do not consider that it would intrude in views looking westwards towards Queen's Square from the Memorial Gardens.

16. In respect of the levels of illumination which particularly relates to Appeal B, the application forms indicate that the illuminance levels will be 600 Cdm² and that the advertising screen will be turned off between the hours of 11.59pm and 6.00am. The Council has not raised an objection to the illumination levels but sought that these should not exceed 600 Cdm² during hours of darkness. This proposed light level would generally fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting and commercial premises, including signage.
17. I therefore conclude that the proposal under Appeals A and B would not result in visual harm to the local area and would preserve the character and appearance of the Queens Square and The Broadway Conservation Area. There would be no conflict with Policies CL1, CL2, DD1 and DD6 of the Local Plan and the Council's Urban Design Supplementary Planning Document (October 2016) (SPD) as well as the National Planning Policy Framework (Framework) and in particular Sections 12 and 16, all of which amongst other matters seek a high quality of design which respects the local context and the significance of designated heritage assets.

Appeals C and D: Character and Appearance

18. The proposed hub would be sited on the western side of The Broadway outside of Nos 14 to 26. The Broadway is primarily a bus only route with bus stops on both sides of The Broadway including bus shelters and bus stops further to the north of the proposed location for the hub.
19. There are two, three and four storey buildings along both sides of The Broadway primarily comprising retail and service uses on the ground and upper floors together with a residential development broadly opposite the proposed siting for the hub above retail uses on the ground floor.
20. The site for the proposed hub would lie towards the western end of the Queens Square and The Broadway Conservation Area. This is focussed on the heart of the town centre and its character and appearance records the planned town centre for the New Town, with a strong Modernist influence in its buildings. Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, when determining proposals in conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
21. The pavement varies in width along this side of the Broadway and the proposed hub would be in the wider part of the pavement before it narrows to allow for the pull-in for buses. As a result of the proposed siting, I consider that there would remain an appropriate amount of spacing around the hub and in relation to the surrounding buildings, so that the hub would not appear cramped or over dominant within the street scene. The scale of the hub and display would be moderated by both the spaces around it, as well as the scale of the buildings along both sides of The Broadway. 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 would not be unduly prominent or obtrusive within it.
22. Its modern design with clean lines would also fit well with the unembellished Modernist design of the surrounding buildings. I am also satisfied that it would not harm the character and appearance of the Queens Square and The Broadway Conservation Area. It would be sited far enough away from the individual buildings not to distort their features or the balance between built development and open spaces which is a key feature within the Conservation Area.
23. In respect of the levels of illumination which particularly relates to Appeal B, the application forms indicate that the illuminance levels will be 600 Cdm² and that the advertising screen will be turned off between the hours of 11.59 and 6.00am. The Council has not raised an objection to the illumination levels but sought that these should not exceed 600 Cdm² during hours of darkness. In the Appellants' application, it is proposed that the intensity of illumination shall not exceed 300 Cdm² from dawn to dusk.
24. The proposed illumination levels would generally fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Although the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting and commercial premises, including signage, in view of the residential opposite the proposed hub I consider that the Appellants' proposed conditions to turn off the screen between 11.59pm and 6.00am as well as to reduce the level of illumination between dusk and 11.59pm to no greater than 300 Cdm² would be necessary in the interests of visual amenity particularly for nearby residents.
25. I therefore conclude that the proposal under Appeals A and B would not result in visual harm to the local area and would preserve the character and appearance of the Queens Square and The Broadway Conservation Area. There would be no conflict with Policies CL1, CL2, DD1 and DD6 of the Local Plan and the Council's SPD as well as the Framework and in particular Sections 12 and 16, all of which amongst other matters seek a high quality of design which respects the local context and the significance of designated heritage assets.

Appeals A and B: Public Safety

26. In terms of the proposed siting of the hub, there would remain very generous spaces around it and unrestricted areas of pedestrianised areas. I have taken into account the town centre location and the likely high footfall along this part of Queensway. Nonetheless, I am satisfied that there would remain ample space for pedestrians to move easily in all directions and would not restrict access to the seating within the pedestrian area or to the individual shops.
27. I do not therefore consider that the proposed hub, particularly taking into account its alignment with other existing street furniture, would cause an obstruction to pedestrians along Queensway.
28. I am therefore satisfied that there would be no harm to public safety and in particular in terms of pedestrian movement. There would be no conflict with Policy DD1 of the Local Plan, the SPD and the Framework in this regard.

Appeals C and D: Public Safety

29. The pavement varies in width along this side of the Broadway and the proposed hub would be in the wider part of the pavement before it narrows to allow for the pull-in for buses. Given its town centre location and proximity to the bus stops, on both sides of the road, I have taken into account the likely high footfall along this part of The Broadway. However, I consider that there would remain a generous width of unrestricted pavement with the proposed hub in place and particularly between the hub and the entrance to the shop outside which it would be sited.
30. The Council has raised a specific concern that the siting of the proposed hub would obstruct views for those waiting at the bus stops of approaching buses. However, I consider the proposed hub would be sited a sufficient distance to the south of the bus shelter with spacing on either side, so that there would remain views from the bus shelters in a southerly direction. I am not persuaded that there would be any material harm in terms of public safety in this specific regard.
31. I am therefore satisfied that there would be no harm to public safety and in particular in terms of pedestrian movement. There would be no conflict with Policy DD1 of the Local Plan, the SPD and the Framework in this regard.

Other Considerations

32. I have noted the Appellants' reference to Transport for London standards and guidance and whilst this offers helpful guidance, given the siting of the proposed hubs within Crawley Town Centre, it is not directly relevant to my decision.

Conditions (*Appeals A and B, C and D*)

33. The Council has proposed a number of conditions in respect of these appeals. In addition to the standard condition regarding commencement of development. I have imposed a condition specifying the relevant drawings as this provides certainty as well as in respect of materials to protect visual amenity. I have also imposed a condition to require the Management Plan to be followed at all times to protect the amenities of the local community.
34. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. 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. For the reasons set out under my main issues and in the interests of protecting visual amenity, I have imposed a number of conditions to limit the illumination levels, particularly during hours of darkness. In this regard I have proposed more stringent restrictions on levels of illumination for Appeal D given the proximity of residential development to the proposed hub. The Council has proposed a condition that the advertisements shall not change more than once every 5 seconds whereas the Appellants propose once every 10 seconds and I have used the timing changes proposed by the Appellants.

Conclusion

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

L J Evans

INSPECTOR

Schedule of Conditions

Conditions in relation to Appeal A: Ref: APP/Q3820/W/24/3354394

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: A02532 Site 4 Location Plan Rev B; A02532 Site 4 Site Plan Rev B; A02532 Site 4 Hub Unit Elevations Rev B; Communication Hub Unit Management Plan V2 September 2022.
3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.
4. The hub hereby approved shall be operated at all times in accordance with the details of the approved Communication Hub Unit Management Plan V2 September 2022 or as may be subsequently updated.

Additional Conditions in relation to Advertisement Consent under Appeal B:

Ref: APP/Q3820/H/24/3354395

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 600 candelas per square metre. The advertisement screen shall be switched off between the hours of 23:59 and 06:00. The levels of luminance on the digital signs shall be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
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. 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.

Conditions in relation to Appeal C: Ref: APP/Q3820/W/24/3355016

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: A02618 Site 2A Location Plan; A02618 Site 2A Site Plan; A02618 Site 2A Hub Unit Elevations; Communication Hub Unit Management Plan V2 September 2022.
3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.
4. The hub hereby approved shall be operated at all times in accordance with the details of the approved Communication Hub Unit Management Plan V2 September 2022 or as may be subsequently updated.

Additional Conditions in relation to Advertisement Consent under Appeal D:

Ref: APP/Q3820/H/24/3355018

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 600 candelas per square metre during the day and 300 candelas per square metre between dusk and 23:59. The advertisement screen shall be switched off between the hours of 23:59 and 06:00. The levels of luminance on the digital signs shall be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
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. 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