



Appeal Decisions

Site visit made on 9 September 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal A Ref: APP/A1530/W/25/3365286

Pavement outside, 74-76 Culver Street East, Colchester, Essex CO1 1LF

- 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 NETWORKS LIMITED against the decision of Colchester City Council.
 - The application Ref is 250389.
 - The development proposed is to install an open access Communication Hub.
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Appeal B Ref: APP/A1530/H/25/3365287

Pavement outside, 74-76 Culver Street East, Colchester, Essex CO1 1LF

- 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 IN FOCUS PUBLIC NETWORKS LIMITED against the decision of Colchester City Council.
 - The application Ref is 250390.
 - The advertisement proposed is described as: The advertisement is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show illuminated content that is remotely changed via a secure ISDN line to the communication device.
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Decision

1. Appeal A - The appeal is allowed and planning permission is granted to install an open access Communication Hub at Pavement outside, 74-76 Culver Street, Colchester, Essex CO1 1LF in accordance with the terms of the application, Ref 250389, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing number A02818.
 - 3) The materials used in the construction of the development hereby permitted shall be as set out within the application form and drawing number A02818.
2. Appeal B - The appeal is allowed and express consent is granted for the display of advertisement integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show illuminated content at Pavement outside, 74-76 Culver Street East, Colchester, Essex CO1 1LF as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:

- 1) The advert (LCD portrait screen) shall have a maximum luminance of 600 candela/sqm.
- 2) The advert (LCD portrait screen) shall only be operational while the defibrillator is in situ and functional.

Preliminary Matters

3. I have used and slightly updated the wording used on the appeal forms, as these are the most accurate descriptions of the proposal. I have also updated the site address to reflect that on the appeal forms, as the proposal is outside and not directly connected to any property on Culver Street East.

Main Issues

4. The main issues in both appeals are:
 - Effect on the character and appearance of the local area, specifically the Colchester City Centre Conservation Area.
 - Effect on highway safety, specifically the free movement of pedestrians.

Reasons

Character and appearance

5. The character and appearance of Culver Street East is largely defined by the modern and contemporary retail unit buildings. It is noted that there are some traditional buildings within the vicinity of the site, which the Council have stated are locally listed (non-designated heritage assets).
6. The proposal is seeking a 2.6m (approx.) tall structure with a digital advertisement screen on one side and public utilities, including a defibrillator, on the other.
7. It is noted that there have been similar appeals in the locality¹, whilst I have not been presented with all the facts for these appeal decisions from the evidence before me it appears as if the previous development was in a less prominent position within the street scene.
8. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) contains duties whereby special regard should be given to preserving or enhancing the character or appearance of the Conservation Area.
9. The Conservation Area covers a large proportion of the city centre. While the Conservation Area includes such areas as Colchester Castle, this site is set significantly away from the Castle and no evidence has been provided that there are listed buildings in proximity to the site. In addition, as detailed above this area of the Conservation Area is predominantly defined by the context of a modern shopping street.
10. However, while it was noted that there were some similar structures in the local area, such as a digital bus display, given the height of the proposal I am of the view there would be limited harm to the Conservation Area. Though this is likely one of the areas within the city centre that would cause the least amount of harm to heritage assets.

¹ Appeal references: APP/A1530/W/23/3334145 and APP/A1530/H/23/3334146

11. Therefore, in terms of National Planning Policy Framework 2024 (the Framework) for similar reasons, the proposal causes less than substantial harm to the significance of the heritage asset. Paragraph 215 of the Framework states that in these circumstances this harm should be weighed against the public benefits of the proposal. The public benefits of this scheme include wi-fi signal, charging point and defibrillator. There is also potential for limited economic benefits to the nearby retail units if it brings people into the area to charge their phone or use the wi-fi. However, the provision of a defibrillator is of a specific benefit to public health. It is considered that the public benefits outweigh the harm identified above.
12. The proposal also causes harm to the non-designated heritage assets of the nearby locally listed buildings. However, given the overwhelming character and appearance of the built form and the distance to some of these locally listed buildings, the harm as identified above weighs slightly against the proposal in accordance with paragraph 216 of the Framework.
13. Overall, the proposal complies with national policies that seek to protect the historic environment.
14. I therefore conclude on this issue that the limited harm to the character and appearance of the local area, include the designated and non-designated heritage assets, is outweighed by the public benefits. On this basis while the proposal conflicts with Policies SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan Adopted February 2021 (Shared Local Plan), as well as DM15 and DM16 of the Colchester Borough Council Local Plan 2017-2033 Section 2 Adopted July 2022 (Local Plan), as these seek preservation or enhancement of the Conservation Area these are outweighed by the compliance with the Framework.

Highway safety

15. The site is located between some cycle hoops and at the time of my visiting a mobile food van. The proposal by being located in the centre of the pedestrianised street would leave at least a 4.2m wide area of footpath for pedestrians to walk around the proposed structure. It is noted the Local Highways Authority are not objecting to this proposal.
16. Given that there would be substantial width on either side of the proposed structure, it would not impede the free flowing movement of pedestrians. In addition, this width should ensure that those who are disabled or have mobility issues can still freely travel along Culver Street East and access retail units.
17. I therefore conclude on this matter that the proposal would not impede pedestrians or effect highway safety. On this basis the proposal complies with Policies DM20 and DM21 of the Local Plan that seek to prioritise and protect movement of pedestrians and cyclists.

Conditions

18. The suggested conditions by the Council ensuring the proposal is implemented in three years and that it complies with drawings are required to ensure it is commenced in a reasonable timeframe and in accordance with the submitted drawings. A condition relating to ensure it is constructed with the appropriate materials is also required to ensure its impact on the character and appearance of the local area.

19. Regarding the advertisement (LCD portrait screen), in addition to the five standard conditions there needs to be control over the brightness of the adverts shown and adverts can only be shown while the public benefits of the Defibrillator are in situ. With the advertisement being in the Conservation Area and that less than substantial harm was identified I have decided to go with the lower candela/sqm that the Council has suggested. Given that this street is not used regularly for vehicle movements, I see no reason to condition the speed the images move.

Conclusion

20. For the reasons given above the appeals should be allowed.

A Phillips

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A1530/W/25/3365286	IN FOCUS PUBLIC NETWORKS LIMITED
Appeal B	APP/A1530/H/25/3365287	IN FOCUS PUBLIC NETWORKS LIMITED