



Appeal Decisions

Site visit made on 10 September 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal A Ref: APP/H5960/W/18/3211108

East of 64 Putney High Street, London SW15 1SF

- 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 Mr Neil Scoresby of British Telecommunications PLC against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2018/0687, dated 2 February 2018, was refused by notice dated 12 July 2018.
- The development proposed is described as the 'Removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink'.

Appeal B Ref: APP/H5960/H/18/3210803

East of 64 Putney High Street, London SW15 1SF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
- The appeal is made by Mr Neil Scoresby of British Telecommunications PLC against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2018/0703, dated 2 February 2018, was refused by notice dated 12 July 2018.
- The development proposed is described as the 'Removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink'.

Decision

1. Appeal A is allowed and planning permission is granted for the removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink east of 64 Putney High Street, London SW15 1SF in accordance with the terms of the application, Ref 2018/0687, dated 2 February 2018, subject to the conditions set out in Schedule A of this decision.
2. Appeal B is allowed and express consent is granted for the display of two digital LED display screens, one on each side of the InLink. 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 Regulations and the additional conditions set out in Schedule B of this decision.

Procedural Matters

3. There are several variations to the site address and description of development used in the respective decision notices and appeal form. In my heading above, I have taken the description of development from the original application form used for both proposals and the site address from the appeal form as it was

missing from the original application form. Appeal A seeks planning permission for the installation of an InLink telecom apparatus with digital display panel, which would be mounted on the pavement. Appeal B seeks advertisement consent for the display of 2 illuminated LED digital display screens within the apparatus. I have therefore referred to the nature of the advertisements in my decision relating to appeal B above.

Main Issue

4. The main issue for both appeals is the effect of the development on the public safety and convenience of pedestrians and bus passengers.

Public Safety

5. The proposal would comprise a tall, freestanding, structure¹ with 2 x illuminated LED screens of a contemporary design located towards the outer edge of the footway which is adjacent to a bus cage on Putney High Street to the east. The parties disagree as to whether the proposal would hinder the passage of pedestrians and bus passengers.
6. The structure would be located approximately 0.8m north east of the present location of 2 K100 telephone kiosks, which would be removed as part of the proposal, and approximately 0.5m from the kerbside. The lower portion of the adjacent bus cage is currently constrained by railings near to the junction with Lacy Road which assists in directing pedestrians towards controlled crossing points. In addition, the presence of the two telephone kiosks, lamppost, cabinet and road signage align along the outer edge of the footway. The combination of these objects prevents bus passengers alighting at this point and the free movement of pedestrians within the immediate vicinity of the appeal proposal.
7. I have not seen evidence to suggest that public safety is presently put at risk in relation to the existing situation, it therefore follows, that the introduction of the appeal structure would be unlikely to alter the position. When this is combined with the remaining width of the available footway that would allow for the movement of pedestrians, there is little to support concerns that the passage of pedestrians would be hindered such that public safety would be put at risk.
8. I observed that, notwithstanding the length of the marked-out bus cage on the highway, the bus stop and associated shelter is located some distance to the north of the appeal site, nearer to the junction with Felsham Road. Accordingly, this is where most passengers awaiting buses are likely to congregate. Therefore, the location of the proposed development is unlikely to impact upon waiting passengers.
9. I have had regard to the representations made by Transport for London that the position of the InLink structure may interfere with passengers alighting from buses. However, the proposal would result in the removal of two telephone kiosks in the immediate vicinity which in combination, have a notably greater footprint and volume than the proposed InLink structure. It follows that the proposal would overall, allow more space for the movement of pedestrians and bus passengers. Furthermore, although of a similar width, the narrowest² part of the apparatus would face towards Putney High Street, with

¹ Dimensions on drawing D0002 V3 show 2.9m height x 0.89m width x 0.28m depth

² 0.28m

the user interface directed towards the inner part of the footway. This would provide greater room for passengers moving towards or from buses to navigate around the structure.

10. Although Transport for London have a general preference for the apparatus to be sited further to the south, I have little substantive evidence before me to explain why, given the considerable length and current restrictions affecting access at the lower part of the bus cage, the proposed development would be unsafe for bus passengers as is asserted. No specific evidence has been presented to substantiate concerns in relation to the requirements of mobility impaired passengers or the positioning and dimensions of the Routemaster bus doors within this bus cage.
11. Therefore, the evidence suggests that whilst the proposal may in some circumstances cause a minor inconvenience, it would be possible to move around the structure with relative ease subject to the removal of the existing telephone kiosks.
12. Accordingly, in relation to appeal A, I find that the InLink structure would not be harmful to the public safety or convenience of pedestrians or bus passengers. Therefore, it would not conflict with policies IS3 or PL3 of the Wandsworth Local Plan, Core Strategy, March 2016 which include criteria, amongst other matters, to support developments that keep spaces safe and accessible to all. In addition, the proposal would accord with policies DMS1, DMS9 and DMT1 of the Wandsworth Local Plan, Development Management Policies Document, March 2016 (DMPD). Policy DMS1 sets out general development principles including that development takes account of transport infrastructure such that it is adequately served by public transport and is accessible to people with disabilities. Policy DMS9 requires, amongst other matters, telecommunications proposals to be appropriately designed. Policy DMT1 sets out criteria in relation to the transport impacts of development and requires that it should not cause a road safety hazard, nor interfere with the safe operation of buses, particularly bus stops.
13. In relation to appeal B, paragraph 132 of the National Planning Policy Framework (the Framework) indicates that advertisements should be subject to control only in the interests of amenity and public safety. In accordance with Regulation 3 of the Regulations I have considered the policies listed above insofar as they are relevant to the consideration of public safety, as well as policy DMS8 of the DMPD which refers to advertisements and sets out similar criteria to paragraph 132 of the Framework. I find no conflict with the relevant criteria set out within those policies, it therefore follows, that this does not present a reason to dismiss the appeal.

Conditions

14. Both parties have provided suggested conditions³ which I have considered against the tests set out in paragraph 55 of the Framework and advice in the Planning Practice Guidance. In relation to appeal A, I accept that, in addition to the statutory requirement to commence the development within a specified time, it is necessary in the interests of clarity to implement the development in accordance with the approved plans.

³ Appellants' suggestions page 48, Planning, Design and Access Statement

15. In addition, I have given considerable weight to the benefit accruing from the removal of the 2 existing telephone kiosks near to the appeal site, which is directly relevant to the development before me. I have not seen anything to suggest that they would otherwise be removed and therefore, a condition to ensure their removal prior to the installation of the InLink unit is necessary to make the development acceptable in planning terms. For consistency, a similar condition is imposed in relation to appeal B.
16. The Council further suggest a condition to ensure the removal of the apparatus in the event that it ceases to provide a useful function. I accept that this would accord with the general principles in policy DMS1 of the DMPD to maintain a high quality urban environment.
17. In relation to appeal B, my decision makes it sufficiently clear that the advertisements would be subject to the standard conditions set out in Regulation 2(1) and Schedule 2 of the Regulations, so there is no need for me to replicate them in Schedule B.
18. Furthermore, in the interests of visual amenity and highway safety, the intensity of the illumination of the sign should be limited. I have used the levels of illumination suggested by the appellant as this would accord with the maximum set out by the Institute of Lighting Professionals. Although the Council did not suggest a condition wording in relation to illuminance levels, they did refer to some figures in their report sheet⁴. However, I have not been provided with evidence to justify reducing the level of illuminance to the figures referred to by the Council.
19. For similar reasons conditions are applied to control the static nature, display time, and the transition between advertisements. Furthermore, a condition is added to ensure that no advertisements resemble traffic signs in order to safeguard highway safety.

Conclusion

20. For the reasons given above I conclude that both appeals should be allowed.

Helen O'Connor

Inspector

⁴ 280cd/m between dusk and dawn and daytime levels up a maximum of 600cd/m²

Schedule A: Conditions in respect of Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan WND—042-LP-V1 Putney High Street (OS No.66); WND-042-SP-V1 Existing & Proposed Site Plan; WND-042-EP-V2 Existing & Proposed Views; D0002 V3 InLink Dimensions and WND-042-RM2LP-V1 RM2 Location Plan – 02087802117 Putney High Street (OS No. 66).
- 3) The InLink unit hereby approved shall not be erected until the 2 existing telephone kiosks shown on Drawings No. WND-042-SP-V1 Existing & Proposed Site Plan and WND-042-RM2LP-V1 RM2 Location Plan – 02087802117 Putney High Street (OS No. 66) are removed in their entirety and the land made good to match the condition of adjacent land.
- 4) If the InLink scheme ceases or alters in a manner so as to leave the structure hereby approved without function, then it shall be removed in its entirety and the land made good to the same condition as the adjacent land within 3 months of the cessation of its use.

Schedule B: Conditions in respect of Appeal B

- 1) The advertisement display permitted by this consent shall be statically illuminated and the intensity shall be no greater than 2500 candelas per square metre during the day and 600 candelas per square metre from dusk until dawn in line with the maximum permitted recommended luminance as set out by the Institute of Lighting Professionals in its Professional Lighting Guide 05 - Brightness of Illuminated Advertisements. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
- 2) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements) and shall not incorporate sound or music.
- 3) The minimum display time for each advertisement 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 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.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 6) The advertisements hereby approved shall not be installed until the 2 existing telephone kiosks shown on Drawings No. WND-042-SP-V1 Existing & Proposed Site Plan and WND-042-RM2LP-V1 RM2 Location Plan – 02087802117 Putney High Street (OS No. 66) are removed in their entirety and the land made good to match the condition of adjacent land.