



Appeal Decisions

Site visit made on 3 December 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal A Ref: APP/A5840/W/18/3207662

**Pavement at Duke Street Hill, London SE1 Opposite Colechurch House
Grid Ref Easting: 532834, Grid Ref Northing: 180304**

- 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 (British Telecommunications PLC) against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/1052, dated 30 March 2018, was refused by notice dated 25 May 2018.
 - The development proposed is described as 'Full Planning Permission and Express Advertisement Consent is sought for the removal of 2no. BT Payphones and the installation of 1no. InLink with excess space returned to the community'.
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Appeal B Ref: APP/A5840/H/18/3207652

**Pavement at Duke Street Hill, London SE1 Opposite Colechurch House
Grid Ref Easting: 532834, Grid Ref Northing: 180304**

- 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 (British Telecommunications PLC) against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/1053, dated 30 March 2018, was refused by notice dated 25 May 2018.
 - The development proposed is described as 'Full Planning Permission and Express Advertisement Consent is sought for the removal of 2no. BT Payphones and the installation of 1no. InLink with excess space returned to the community'.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Background

3. Appeal A seeks planning permission for the installation of telecommunications apparatus with a digital display panel (known as 'InLink'), which would be erected on the pavement. Appeal B seeks express advertisement consent for the display of two illuminated LED screens that would be sited within the apparatus.

Procedural Matters

4. In the interests of precision, I have used the address from the Council's decision notices in the banner heading.
5. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

Main Issues

6. The main issues for Appeal A are (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the proposal on highway and pedestrian safety.
7. The main issue for Appeal B is the effect of the proposed advertisements on public safety. To avoid duplication, I have considered this together with the effect of the proposal on highway and pedestrian safety for Appeal A.

Reasons

Character and appearance

8. In respect of this main issue, the reason for refusal on the Council's decision notice in respect of Appeal A refers to Policy 13 of the Southwick Core Strategy (2011) (the 'CS'). However, this policy relates to the Council's strategic vision of achieving high environmental standards for new development in relation to the use of natural resources, the reduction of pollution and damage to the environment. It is unclear how this policy relates to the current proposal. Indeed, I note that it is not stated within the 'conclusion' section of the Council's officer report. As such, I consider that this policy is not relevant to this main issue and I have dealt with the appeal on this basis.
9. The proposed development would be installed on the pavement on the northern side of Duke Street Hill, which runs between an existing cycle store and sports bar.
10. The InLink apparatus would be a freestanding structure of a contemporary appearance with integrated LED digital screens to the front and rear, which would display illuminated advertisements. The structure would be approximately 2.9 metres tall, 0.89 metres wide and 0.28 metres deep.
11. The section of the pavement near to the appeal proposal has street furniture including 'boomerang' benches, street trees, a refuse bin, a large number of bicycle stands, a lamppost and a traffic signpost, which hosts four traffic signs. Approximately 30 metres to the east of the appeal site, there is a bus stop shelter and a phone box.
12. The cycle stands are aligned with the kerbside and the placement of benches follows a planned layout. However, when viewed collectively, and, in relation to the other items of street furniture, such as the refuse bin and traffic signpost, which have a conspicuous appearance and discordant relationship with the planned layout of the benches and cycle stands, the pavement within the vicinity of the appeal site has a very cluttered appearance due to the large amount of existing street furniture, which detracts from the character and appearance of the area.

13. The height and width of the proposed apparatus would result in a structure which would have more solidity than the nearby lamppost and traffic signpost. Consequently, the proposal would be an unduly prominent form of development within the street. The prominence of the proposed apparatus would be exacerbated by the presence of illuminated advertisements on either side of the structure, which, owing to the overall height of the structure and its close proximity to the kerbside, would be visible from both short distance and longer views along Duke Street Hill.
14. The appellant argues that the proposal would be sited within a 'well established street furniture zone'. However, the presence of a large volume of existing street furniture within the immediate vicinity of the appeal site does not justify further harm. Indeed, the proposed development would introduce additional street furniture into an already cluttered public realm, which in and of itself, would exacerbate the harm caused to the character and appearance of the area by the accumulation of the existing street furniture.
15. The appellant has drawn my attention to a recent decision where the Council have granted express advertisement consent for the display of a large internally illuminated advertisement on a nearby railway bridge. However, I am not aware of the particular circumstances in that case and in any event, I must consider the appeal scheme on its own individual planning merits. In addition, the existence of other illuminated advertisements in the locality does not justify the harm I have identified.
16. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policy 12 of the CS which states that new development should achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in.
17. In addition, the proposal would not accord with Saved Policies 3.13 and 3.23 of the Southwick Plan (2007) (the 'SP') which requires new development, including outdoor advertisements, to make a positive contribution to the character of the area; and to be designed to be appropriate within the context of the site. To this regard, I note that paragraph 132 of the Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Highway and pedestrian safety

18. Dukes Hill Street serves London Bridge Underground Station and provides direct pedestrian and vehicular access onto London Bridge. The Council explain that the area experiences high levels of pedestrian footfall, particularly during peak hours. This matter has not been disputed by the appellant.
19. During my site visit, the pavement was used by a high volume of pedestrians. Despite the large width of the pavement, I observed that most pedestrians walked along the central section of the pavement, in between the existing bicycle stands and 'Boomerang' benches.
20. Whilst I acknowledge that the proposed apparatus would be located in line with a row of existing cycle parking racks, I note that the user interface would be located on the side of the structure which would face the central section of the

- pavement. Therefore, users of the proposed apparatus, would be required to stand adjacent to the structure, which would reduce the width of the central pavement area.
21. Given that the proposed apparatus would be sited in an area which experiences significant levels of pedestrian footfall, especially during peak hours, when in use, owing to the reduction in the pavement width caused by the use of the equipment, it is likely that in an effort to avoid the user(s) of the proposed apparatus, some pedestrians may step into the road into the path of on-coming traffic. Therefore, the proposed development would unacceptably impede the free flow of pedestrian movement, which would endanger public safety.
 22. The reduction in the width of the central section of the pavement, and the associated risks to pedestrian safety, would be exacerbated if the equipment was used by a group of people at the same time, such as a group of school children, as shown by the image within the appellant's supporting planning, design and access statement.
 23. In addition to the above, due to the position of the advertisements within the structure, and their orientation in relation to the highway, I consider that the advertisements may distract drivers on Duke Street Hill, especially during night hours when the level of illumination would be more prominent. Therefore, the proposal would be prejudicial to highway safety due to an increased risk of road traffic collisions.
 24. The Council contend that the proposal would unacceptably impede upon the sightlines of pedestrians crossing the road in this location, which would increase the risk of pedestrian and vehicle conflicts. However, on my site visit, I did not observe any pedestrians crossing the road in this location. In addition, I note that Dukes Hill Road is served by two dedicated pedestrian crossings, one of which is located approximately 50 metres away from the appeal site. Therefore, I am not persuaded by the Council's contention that the proposal would raise unacceptable safety issues caused by pedestrians crossing the highway. Despite this, the harm identified above is sufficient to justify dismissing the appeals.
 25. For the collective reasons outlined above, I conclude that the proposal would be prejudicial to highway and pedestrian safety. As such, the proposal would not accord with Saved Policies 3.23, 5.2 and 5.3 of the SP which require new development, including outdoor advertisements, to avoid compromising safety; to avoid adverse impact on transport networks; and to contribute towards more direct, safe and secure walking and cycling routes. In addition, the proposal would not accord with Policy 6.10 of the London Plan (2016) which states that development proposals should ensure high quality pedestrian environments.
 26. Given the above, the proposal would be inconsistent with paragraph 110(c) of the Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles. In addition, paragraph 109 of the Framework advises that development should be refused if there would be an unacceptable impact on highway safety.

Other Considerations

27. The appellant has drawn my attention to paragraphs 92 and 112 of the Framework, which support development that meets community needs; and the expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections. My attention has also been drawn to the other community benefits that the InLink network would provide, which would include usb device charging, an emergency 999 call button, public messaging capabilities and a platform to install air quality monitoring equipment. Nevertheless, the proposal relates to one piece of apparatus within a wider network of InLink devices across London. Therefore, the limited benefits would not be significant enough to alter or outweigh my conclusions on the main issues.
28. As part of the development, two existing BT payphones would be removed, the payphone structures are adjoined and located on Borough High Street, approximately 345 metres from the appeal site. The appellant states that the removal works could be secured by a 'Grampian' style condition and would result in a net gain in the amount of pavement space for pedestrian use. Whilst this may or may not be the case, the existing payphone structures are located a considerable distance away from the appeal site and do not contribute directly to the character and appearance of the local area. In addition, the Council explain that the removal of the existing payphone structures would not require planning permission. Consequently, the limited benefits arising from the removal of the existing payphone structures would not be significant enough to alter or outweigh my conclusions on the main issues.
29. The appeal site is located about 150 metres from Southwark Cathedral, which is a Grade I listed building located to the west of the appeal site. In addition, the site is located near to the respective boundaries of the Tooley Street Conservation Area and the Borough High Street Conservation Area.
30. In determining the application, the Council concluded that the proposal would preserve the setting of the listed building and the respective conservation areas. Based on my site visit, which also included a consideration of the separation distance between the site and the aforementioned heritage assets, and the minor scale of the proposed development, I have no reason to disagree with the Council in respect of this matter. However, this is a matter of neutral consequence in the overall planning balance and therefore does not outweigh my conclusions on the main issues.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Christopher Miell

INSPECTOR