

---

## Appeal Decisions

Site visit made on 4 May 2022

**by Elaine Gray MA(Hons) MSc IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 May 2022**

---

### **Appeal Ref: APP/N5090/W/21/3279402 (Appeal A)**

#### **Centurion House, 69 Station Road, The Hale, Edgware, London HA8 7JQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Martin Stephens, JCDecaux UK Limited against the Council of the London Borough of Barnet.
  - The application Ref 21/1470/FUL is dated 17 March 2021.
  - The development proposed is the installation of a communication hub with integral advertising display, as per specification in Part 2 document.
- 

### **Appeal Ref: APP/N5090/H/21/3279409 (Appeal B)**

#### **Centurion House, 69 Station Road, The Hale, Edgware, London HA8 7JQ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
  - The appeal is made by Mr Martin Stephens, JCDecaux UK Limited against the Council of the London Borough of Barnet.
  - The application Ref 21/01471/ADV is dated 17 March 2021.
  - The advertisement proposed is the installation of a communication hub with integral advertising display, as per specification in Part 2 document.
- 

## **Decisions**

1. Appeal A is allowed and planning permission is granted for the installation of a communication hub with integral advertising display, as per specification in Part 2 document, at Centurion House, 69 Station Road, The Hale, Edgware, London HA8 7JQ in accordance with the terms of the application, Ref 21/1470/FUL, dated 17 March 2021, and the plans submitted with it, subject to the conditions set out in Schedule 1 to this decision letter.
2. Appeal B is allowed and express consent is granted for the installation of a communication hub with integral advertising display, as per specification in Part 2 document 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 the Regulations, and the additional conditions in Schedule 2 to this decision letter.

## **Procedural Matters**

3. In the interests of conciseness and to avoid unnecessary repetition, I have dealt with both appeals together in my reasoning.

## **Main Issues**

4. Following the submission of the appeals against non-determination, the Council have clarified the position they would have taken on the applications in the event that they had made the decisions.
5. In light of that information, the main issues are:
  - the effect of the proposal on the character, appearance and visual amenity of the surrounding area; and
  - whether the proposal would be likely to increase opportunities for crime, disorder and anti-social behaviour in the area.

## **Reasons**

### *Appeals A and B - Character and appearance & visual amenity*

6. The appeal site is on the public pavement in a mixed use area generally characterised by commercial properties on the ground floor and residences above. It is proposed to replace an existing advertising unit that takes the shape of a tall cylindrical column with heritage detailing.
7. The new unit would be of a modern design and would have a smaller footprint and overall scale than the existing column. It would have a width of around 1.3m, a height of around 2.6m and a depth of approximately 0.9m, including the hooded shelter of the unit. It would therefore bring about a reduction in the overall volume of street furniture in the locality, and thus have a positive impact on the visual amenity of the site. Its contemporary design would respect the varied character of the surrounding area.
8. In addition, it would bring about a modest benefit in terms of providing services to the public, including USB charging points, wi-fi, a free phone service, a wayfinding point and a defibrillator.
9. Taking these factors into account, I am satisfied that the proposal is acceptable in terms of its effect on the character and appearance of the surrounding area, and that it would not unduly harm the visual amenity of the area. It therefore complies with Policy DM01 of Barnet's Local Plan (Development Management Policies) (DMP), which seeks to protect character and amenity, and Policy CS05 of Barnet's Local Plan (Core Strategy), which seeks to create high quality places, in accordance with the National Planning Policy Framework.

### *Appeal A only - Crime and disorder*

10. The Council's second main concern related to the potential of the proposal to exacerbate problems such as anti-social behaviour, begging and loitering around the new unit, as well as the possibility of the free phone service being used in connection with criminal activities.
11. To address these concerns, the appellant produced the document entitled 'Communication Hub Unit Management Plan', dated October 2020, which was assessed by the Metropolitan Police. On review of this document, the police raised no objection, on condition that the new unit is managed strictly in compliance with the Management Plan, and that a CCTV camera should be integrated into the development and be operated from the outset.

12. I also note that although the hub would provide free phone calls, these cannot be made to mobile telephone numbers. The police confirm that this measure will be very positive in helping to reduce any criminal activity that might otherwise be associated with the development.
13. Taking these factors into account, I conclude that the development will not be unduly likely to increase opportunities for crime, disorder and anti-social behaviour in the area, in accordance with DMP Policy DM01, insofar as it requires proposals to create safe and secure environments, reduce opportunities for crime, and minimise the fear of crime.

#### *Other Matters*

14. I have taken into account the concerns voiced over the effect of the proposal on the living conditions of residents at Centurion House, and congestion for pedestrians on the pavement close to the new hub. However, there is no detailed evidence before me relating to the problems that have been alluded to, and I am satisfied that the measures set out in the Management Plan will help to address these matters.
15. Concerns have been raised that the advertising element of the new hub would be brighter than the existing column and might distract drivers turning left from Manor Park Crescent onto Station Road, increasing congestion and harming highway safety in the vicinity. However, I note that the Highways Service was consulted on the proposal and raised no objection to it. Moreover, I am satisfied that suitable conditions controlling the brightness and movements of the images on the device would be sufficient for the purposes of highway safety.
16. It has been commented that there is already a hub in Station Road and that a second is not needed. Furthermore, a number of other sites have been alluded to that the commenter considered to be more suitable for the proposed hub. I have also taken into account the presence of the other phone boxes in the area. However, I have assessed the proposal on its own merits and found it to be acceptable with conditions. Therefore, the presence of other suitable sites would not justify the withholding of permission and consent in this particular case.
17. I note that the Council previously refused the planning application ref: 19/4838/FUL for a similar scheme. However, those issues have now been addressed, as set out in the discussion above, and so the previous refusal has not led me to a different conclusion on the main issues of the appeals.

#### **Conditions**

18. I have had regard to the conditions suggested by the Council. A plans condition is necessary in the interests of proper planning. Conditions seeking details of the materials to be used and requiring the removal of the old development are needed to protect the character and appearance of the area.
19. Conditions relating to noise control, the inclusion of the CCTV camera and the ongoing management of the development are appropriate to maintain satisfactory living conditions and public amenity in the area. Conditions controlling the levels of illumination and movement of the images are necessary in the interests of public and highway safety.

## Conclusion

20. For the reasons above, I conclude that Appeal A and Appeal B should be allowed.

*Elaine Gray*

INSPECTOR

## SCHEDULE 1 - SCHEDULE OF CONDITIONS

- 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: Site Location Plan 1:1250; Site Block Plan 1:200.
- 3)
  - a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the public payphone/communication hub hereby approved have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 4)
  - a) No development other than demolition works of the existing structure shall commence on site in connection with the development hereby approved until a report by a competent acoustic consultant assessing the likely noise impacts of the ventilation/extraction plant, and including mitigation measures for the development to reduce these noise impacts to acceptable levels, has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

  - b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use of the development and retained as such thereafter.
- 5) The level of noise emitted from the public payphone/communication hub hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

- 6) The development hereby approved shall be maintained in accordance with the measures detailed in the Communication Hub Unit Management Plan (October 2020).
- 7)
  - a) Prior to the official unit 'switch-on' of the digital advertising display and 1no internally illuminated paper advertising display, details shall be submitted to and approved in writing by the Local Planning Authority for the inclusion of an integrated CCTV camera into the digital advertising display and 1no internally illuminated paper advertising display.
  - b) The integrated CCTV camera into the digital advertising display and 1no internally illuminated paper advertising display shall be operational from Day 1 of the official unit 'switch-on' and remain operational and maintained as to be operational thereafter.
- 8) Within one month of development commencing, the existing Free Standing Advertising Display Unit shall be removed in its entirety and the land made good to the same condition as the adjacent land.

## **SCHEDULE 2 - SCHEDULE OF CONDITIONS**

- 1) The maximum luminance of the signs shall not exceed the values recommended in the association of public Lighting Engineer's Technical Report No. 5 Zone 3.
- 2) The development hereby approved shall be maintained in accordance with the measures detailed in the Communication Hub Unit Management Plan (October 2020).
- 3)
  - a) Prior to the official unit 'switch-on' of the digital advertising display and 1no internally illuminated paper advertising display, details shall be submitted to and approved in writing by the Local Planning Authority for the inclusion of an integrated CCTV camera into the digital advertising display and 1no internally illuminated paper advertising display.
  - b) The integrated CCTV camera into the digital advertising display and 1no internally illuminated paper advertising display shall be operational from Day 1 of the official unit 'switch-on' and remain operational and maintained as to be operational thereafter.
- 4) Within one month of development commencing, the existing Free Standing Advertising Display Unit shall be removed in its entirety and the land made good to the same condition as the adjacent land.
- 5) No visual effects of any kind are permitted to accompany the transition between any two successive messages. The replacement image shall not incorporate any fading, swiping or other animated transitional method.
- 6) The minimum time between successive displayed images shall be 10 seconds.
- 7) The intensity of the illuminance of the advertisement shall be no greater than 600 Cdm<sup>2</sup> during hours of darkness.