
Appeal Decisions

Site visit made on 9 November 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal A Ref: APP/C5690/W/22/3295189

Outside 295 - 307 Stanstead Road, Forest Hill, London SE23 1JB

- 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 James Browne, BT Telecommunications Plc against the decision of The Council of the London Borough of Lewisham.
 - The application Ref DC/21/124918, dated 20 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described on the application form as 'Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)'.
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Appeal B Ref: APP/C5690/H/22/3295190

Outside 295 - 307 Stanstead Road, Forest Hill, London SE23 1JB

- 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 Mr James Browne, BT Telecommunications Plc against the decision of The Council of the London Borough of Lewisham.
 - The application Ref DC/21/124919, dated 20 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described on the application form as 'Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)'.
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Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at land outside 295 - 307 Stanstead Road, Forest Hill, London SE23 1JB in accordance with the terms of the application Ref DC/21/124918, dated 20 December 2021, subject to the conditions set out in the attached schedule.
2. Appeal B: The appeal is allowed, and advertisement consent is granted for the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at land outside 295 - 307 Stanstead Road, Forest Hill, London SE23 1JB in accordance with the terms of the application Ref DC/21/124919, dated 20 December 2021. 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 attached schedule.

Procedural Matters

3. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the street hub and the advertisements are inextricably linked. Therefore, to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations).
4. In respect of Appeal B, Regulation 17 of the Regulations and the National Planning Policy Framework (the Framework) make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive for Appeal B, I have taken them into account as a material consideration.
5. The letter that accompanies the application, dated 20 December 2021, states that the appellants are applying for the installation of 1no. BT Street Hub and the removal of 3no. associated BT payphones. The appellants reiterate that this would be their intention in their appeal statement and a draft condition is before me to that effect. Consequently, I have proceeded on the basis that three existing payphones would be removed.

Main Issues

6. The main issue for Appeal A is the effect of the proposal upon the character and appearance of the area.
7. The main issue for Appeal B is the effect of the advertisements on public safety.

Reasons

Character and Appearance

8. The appeal site is located in front of a short parade of commercial/retail premises, with residential use on the upper floors. The opposite side of the road is predominately residential.
9. The proposal would introduce a street hub to the outer edge of a wide and relatively uncluttered pavement which runs along the northern side of Stanstead Road. It would replace an existing payphone that is located approximately 1.8m to the west, and two other payphones, located in residential areas to the south and south west.
10. The proposed street hub would be significantly taller and slimmer than the payphones that it would replace. Moreover, it would contain illuminated advertisements on both main facades. When viewed from the west the proposal would, due to the alignment of the road, be seen against a backcloth that comprises of 3 storey high commercial buildings, including the gable wall of 309 Stanstead Road upon which a high level digital hoarding is displayed¹. When viewed from the east the street hub would appear in conjunction with the

¹ Granted on appeal – Reference APP/Z4310/W/18/3205104

frontages of shops and other commercial premises, many of which contain illuminated fascia and projecting signs. Given this context the proposed street hub would not appear as a prominent or incongruous feature within the street scene.

11. I have also taken into account any visual improvement to the character and appearance of the area that might accrue from the removal of three existing payphones. In this regard I find that the removal of the payphone immediately adjacent the appeal site, which is unsightly and in poor condition, would result in a positive contribution to the streetscene. Moreover, it would increase the area of pavement available for pedestrians and improve the public realm. These would be factors in favour of the development.
12. The existing context, taken with the removal of other payphones, means that there would be no harm to the character and appearance of the area. Therefore, there would be no conflict with Policies T2, T4 and D8 of the London Plan (March 2021) (LP), DM Policy 35 of the Lewisham Development Management Local Plan (November 2014) (DMLP), the Transport for London Streetscape Guidance and paragraph 136 of the Framework. These policies seek, amongst other matters, to create a well-designed public realm that is related to its local context.

Public Safety

13. The National Planning Practice Guidance section on advertisements states that all advertisements are intended to attract attention. That said, it indicates that the main type of advertisement which could cause danger to road users includes illuminated signs, where the means of illumination is directly visible from any part of the road, or where the size or brightness could result in glare and dazzle or distract road users.
14. Stanstead Road is a busy mixed use thoroughfare and has narrow, dedicated, cycle lanes running adjacent to both pavements. Parking and loading restrictions are in place outside the shops/commercial premises. Side streets, that provide access to nearby residential areas, are located opposite the appeal site and a short distance to the east.
15. The proposed street hub would be located in close proximity to shop fronts, a number of which contain illuminated advertisements. Moreover, there are other large scale digital displays, some of which are illuminated, in the locality. As a result, the proposal would not stand out from its surroundings, or appear as a distinct feature that would be likely to distract the attention of road users.
16. I have taken into account the accident statistics provided by Transport for London (TfL) which indicate that there have been a number of collisions within the vicinity of the appeal site in the last five years, including some that involved cyclists or pedestrians. The Guidance for Digital Roadside Advertising and Proposed Best Practice produced by TfL advises that in locations with high collision rates there should be a detailed analysis carried out. No such detailed analysis is before me. That said I find that, given the nature of the road, 10 collisions, within a 5 year period, is not particularly high.
17. I note the proposed luminance of the advertisements subject to Appeal B. This is high even in a city centre environment. The appellants have indicated that if there are concerns regarding the lighting levels, this could be agreed by use of

an appropriate condition. The Council has suggested that if the appeal were allowed the level of illumination should not exceed 280cd/m² between dusk and dawn and 600 cd/m² at other times. By using these limits, coupled with the size and siting of the proposal subject of Appeal B, I do not consider that road users would be distracted

18. I have also taken into account appeal ref APP/Z4310/W/18/3205104. However, the circumstances of that case, which related to a site located in an area that was pedestrianised for large parts of the day, are not the same as those present in Stanstead Road. Consequently, it is not directly comparable and accordingly I give this matter very limited weight.
19. In light of the above, I conclude that the proposal would not harm public safety. In that respect the proposal is, in so far as they are material, consistent with Policies T2 and T4 of the LP, Policies 14 and 15 of the Lewisham local development framework Core Strategy (June 2011) and DM Policies 27, 30 and 35 of the DMLP which, amongst other matters, seek to reduce road danger and improve street safety. DM Policy 19 of the DMLP relates primarily to shopfronts and is not relevant to the case before me. The proposal would also be consistent with Paragraph 136 of the Framework which seeks to prevent development that would result in an unacceptable impact on highway safety and supports well sited and designed advertisements.

Other Matters

20. I have taken into account an objection from a local resident who is concerned about the need for the proposal and the failure to maintain the existing phone booth. He suggests that if the phone booths are no longer required it should be removed.
21. With regards to the need for the proposed development I am guided by Paragraph 118 of the Framework which establishes that decision makers must determine applications on planning grounds only, and not question the need for an electronic communications system. I accept that the existing phone booth is in a poor condition, however I have no substantive evidence before me to indicate that it has not been subject to maintenance in the past. I have no evidence before me to indicate that the existing phone booth would be removed in the event that the appeals were dismissed.

Conditions

22. I have had regard to the planning conditions suggested by the Council in respect of Appeal B in the event that I was minded to allow the appeal. No planning conditions were suggested by the Council for Appeal A.
23. For appeal A, I have, in the interests of certainty, imposed the standard commencement condition and a plans condition.
24. For Appeal B, I have imposed conditions to control the advertisements illuminance level, to ensure that it is not intermittent, and to avoid glare, dazzle or distraction to passing motorists and pedestrians. For the same reason I have imposed conditions so that the display only shows two-dimensional static images and limits the frequency of changes to the displays.

Conclusion

25. For the reasons set out above, I conclude that Appeals A and B should be allowed.

John Gunn

INSPECTOR

SCHEDULES OF CONDITIONS

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:

Site Location map 001 Revision A, Proposed site plan 002 Revision A, Existing and proposed elevations 003 Revision A.

Appeal B

- 1) Subject to the other conditions below, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Site Location map 001 Revision A, Proposed site plan 002 Revision A, Existing and proposed elevations 003 Revision A;
BT Street Hub Anti-Social Behaviour Management Plan Version 2;
BT Street Hub Proposal Renders 2021;
BT Street Hub Noise Management Plan Version 2;
BT Street Hubs Beyond Connection;
ILP Professional Lighting Guide 05;
Covering Letter dated 20 December 2021 (Mono Consultants Limited); and
Conformity with ICNIRP Public Exposure Guidelines

- 2) The Street Hub unit hereby approved shall not be installed until the three existing telephone boxes located outside No.295 Stanstead Road, outside 47 Perry Hill and outside 30 Shipman Road have been removed and the footpaths reinstated.
- 3) The levels of the illuminance shall not exceed 600cd/m² during daylight hours or exceed 280cd/m² between dusk and dawn; as defined by official lighting up times.
- 4) The screen displays shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
- 5) The advertisement displays shall not change more frequently than every 10 seconds and the rate of change should be instantaneous.
- 6) The illumination of the advertisements shall not at any time be intermittent.

END OF SCHEDULES