



Appeal Decisions

Site visit made on 15 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal A Ref: APP/C5690/W/22/3295191

o/s 9-19 Rushey Green, Catford, London SE6 4AS

- 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 BT Telecommunications Plc against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/21/124922, dated 20 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described 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/22/3295192

o/s 9-19 Rushey Green, Catford, London SE6 4AS

- 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 BT Telecommunications Plc against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/21/124923, dated 20 December 2021, was refused by notice dated 24 February 2022.
 - The advertisement proposed is described as 'proposed installation of 1no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).'
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Decision

1. Appeal A is allowed and planning permission is granted for proposed installation of 1no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at o/s 9-19 Rushey Green, London, SE6 4AS in accordance with the terms of the application, Ref DC/21/124922, dated 20 December 2021, subject to the following 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: 001 Rev A; 002 Rev A; 003 Rev A; BT Street Hub Proposal Renders 2021.
 - 3) The development hereby permitted shall be carried out and thereafter maintained and operated in accordance with the details set out in the following documents: BT Street Hub Anti-Social Behaviour Management Plan Version 2 (2021); BT Street Hub Noise Management Plan Version 2 (2021); BT Street Hubs Beyond Connection – Street Hub Product Statement Version

- 1.0 (2021) (excluding the Maximum Daytime and Night-time Brightness set out in the technical specification for the two digital display screens).
- 4) No development shall take place until the telephone box at Pavement o/s 19 Rushey Green, London, SE6 4AP (E537903, N174197) has been removed and the footpath reinstated.
2. Appeal B is allowed and express consent is granted for proposed installation of 1no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) 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 following additional conditions:
- 1) The advertisements permitted by this consent shall be carried out in accordance with the following approved plans: 001 Rev A; 002 Rev A; 003 Rev A; BT Street Hub Proposal Renders 2021.
 - 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 280 cd/m² between dusk and dawn and no greater than 600 cd/m² at all other times.
 - 3) The minimum time between successive displayed images of the advertisements permitted by this consent shall be 10 seconds and any sequential change between advertisements will take place over a period no greater than 1 second.
 - 4) The advertisements permitted by this consent shall have no special effects (including noise, smell, smoke animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind.
 - 5) The advertisements permitted by this consent shall have no visual effects of any kind to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.

Procedural Matters

3. There are 2 appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.

Main Issues

The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area with particular regard to the functioning of the public realm. The main issues in respect of Appeal B are the effect of the proposed advertisements on the visual amenity of the area and public safety.

Reasons

Character and Appearance/Visual Amenity

4. Rushey Green forms part of the A21, a major road managed by Transport for London (TfL). It is a wide highway consisting of a wide carriageway with generous pavements on either side that incorporate large grass verges in places and regular street trees. This creates a verdant and spacious character.

This section of the A21 is on the edge of Catford Town Centre and as such there is a mixture of commercial and residential uses. These uses and the frequent pedestrian and traffic movements associated with them add a vibrancy to the area.

5. In terms of street furniture, there are a relatively large number of items along Rushey Green. However, most of these are well positioned, in line with each other and towards the outer edge of the pavements, where they least affect pedestrian movement along the pavements. Most of the items are black and of a simple design which also adds a degree of uniformity to the street scene.
6. The appeal site is located on the outer edge of the pavement outside of Nos 9-19 Rushey Green. The proposal consists of a BT Street Hub with 2 digital 75" LCD advert screens, one on each side (referred to hereon as the Street Hub). The advertisement display screens would be internally illuminated with static illumination to a maximum brightness of 2500 cd/m², which would automatically dim to 600cd/m² after daylight hours. The screens would display content at 10-second intervals. Notwithstanding any previous agreements between the parties and/or TfL regarding the number of existing telephone kiosks (telephone boxes) that should be removed as part of the installation of a Street Hub, the appellant's statement is clear that 3 existing BT Kiosks would be removed as part of the proposal, including one close to the appeal site and 2 on Lewisham High Street.
7. TfL's Streetscape Guidance (2022 revision 2) (Streetscape Guidance) is clear that street furniture is best placed within a furniture zone adjacent to the kerb, as it allows a consistent arrangement which maximises the unobstructed width of the footway for pedestrian use. In terms of telephone boxes and larger items, such as the Street Hub, a 1,000mm to 2,000mm zone should be provided, 450mm to 600mm back from the kerb, alongside a 2,000mm footway clear zone.
8. The Street Hub would be positioned in line with a row of existing street furniture, including 9 cycle racks, 2 bins and an existing freestanding advertisement. It appeared to me that these items are already arranged within an existing furniture zone that meets the requirements of the Streetscape Guidance. The proposed Site Plan shows that the Street Hub would be positioned within this furniture zone and would also meet the requirements of the Streetscape Guidance. Therefore, while the Street Hub would take up additional space on the pavement, it would not obstruct the free flow of pedestrians along the pavement and would allow the remaining space to be used efficiently by pedestrians and cyclists. Although its positioning would be close to the crossing point in this location, the narrow depth of the Street Hub would limit its effect on pedestrians and cyclists using the crossing. Pedestrians and other users would have adequate space to manoeuvre around the slim profile of the Street Hub when using the crossing.
9. Both the Council and TfL have questioned the necessity of the Street Hub as an essential piece of street furniture. In addition to the advert screens, the Street Hub would include free ultrafast Wi-Fi, phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform of other interactive technologies, such as air quality monitoring. It may be that most of these functions can be performed by a mobile phone and that there is access to other free Wi-Fi networks in the area. However, whether

or not these functions render the Street Hub a necessary piece of street furniture, I have found the proposal would be well located and would allow the pavement to be used effectively by pedestrians and cyclists in accordance with the Healthy Streets approach set out in policy T2 of the London Plan (2021).

10. It is proposed that prior to the installation of the Street Hub, 3 existing telephone kiosks would be removed. One close to the appeal site and 2 further along the A21 on Lewisham High Street. The kiosk close to the appeal site is poorly positioned towards the middle of the pavement at a point where the pavement narrows due to a loading bay. It is also in a poor condition and unsightly. The removal of this kiosk would therefore improve pedestrian amenity in line with Policy D8 of the London Plan (2021) as well as enhance the visual amenity of the immediate area. This could be secured by condition. The other 2 kiosks proposed to be removed are not so poorly located, although are unattractive. While their removal would improve the functioning and visual amenity of the public realm, they are located quite a distance from the appeal site and therefore this would not relate to nor benefit the proposal directly. Their removal is not necessary to make the proposal acceptable and it would be unreasonable to secure this via condition.
11. Regarding the appearance of the Street Hub, its modern design and dark materials would be in keeping with the colour and design of other street furniture in the area allowing it to integrate well with its surroundings. In terms of the proposed advertisements, there are several similar advertisements in the area, including illuminated adverts on nearby bus stops and the existing free-standing advertisement close to the appeal site. The appeal site is in a vibrant area where the signs of some nearby shops and takeaways would also be illuminated in the evening and where the street would be well-lit by regular street lamps. The illuminated advertisements would therefore not appear out of place.
12. I acknowledge that there is already one existing free-standing advertisement in this location. However, it would be positioned at the other end of the furniture zone from the Street Hub with the other items of street furniture in-between. Overall, the proposal would bring a positive change to the character and use of this part of the public realm as well as improving the balance of spaces given to pedestrians and cyclists.
13. Accordingly, in respect of Appeal A, for the reasons above, the proposal would not be incongruous in the street scene and would complement the use and function of the existing space. It would not harm the character and appearance or function of the public realm. Thus, it would accord with Policies T2, T4 and D8 of the London Plan (2021) and DM Policy 35 of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan) and the Streetscape Guidance. These seek to, amongst other things, encourage walking, cycling and public transport use by ensuring the public realm is well-designed and attractive. Also, that it encourages active travel, improves the balance of space given to people to dwell, walk, cycle, and travel on public transport and that street furniture complements the use and function of the space.
14. In respect of Appeal B, I conclude that the appeal would not unduly harm the visual amenity of the area. While the policies referred to above do not relate directly to advertisements and are not determinative, Policy D8 of the London

Plan (2021) and Policy 35 of the Local Plan seek to ensure a well-designed and attractive public realm. Policies GG1 of the London Plan (2021), Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document (June 2011) (Core Strategy) and DM Policies 27 and 30 of the Local Plan seek, amongst other things, to attain a high standard of design and protect local character. The proposal would comply with these policies. In addition, the proposal would accord with DM Policy 19 of the Local Plan with regard to its effect on the amenity and character of the area.

Public Safety

15. The Street Hub containing the proposed advertisements would be positioned close to a pedestrian crossing point on a section of highway that has a cycle lane and includes junctions with side roads and access roads. Further south along Rushey Green there is also a bus stop and zebra crossing with Belisha beacons. I understand that there have been 42 collisions within 100m of the existing phone kiosk within the past six years, including 15 involving a cyclist or pedestrian. For these reasons, the section of highway adjacent to the appeal site is clearly an area where drivers would need to take more care to ensure public safety.
16. I have carefully considered the concerns of the Council and TfL with regards to the bright illumination of the adverts and change of display distracting drivers and increasing the risk of collision between vehicles, cyclists, and pedestrians, particularly at night. Nevertheless, as mentioned above, the area would be well-lit at night and there are other illuminated adverts and shopfronts close by. This would reduce the contrast between the adverts and their surroundings making them less prominent. The adverts would also be of a modest size, similar to others in the area. Most importantly, both the illumination of the adverts and frequency in the change of their displays can be controlled by condition. While the maximum levels of illumination proposed by the Council and TfL are below the maximum permitted recommended luminance set out at Table 4 of the Institute of Lighting Professionals (ILP) Professional Lighting Guide 05, given the need for drivers to take more care, they are necessary. Therefore, provided that other effects that can cause distraction, such as flashing lights and moving elements within the display, are also controlled by condition, in respect of Appeal B, I conclude that the proposal would not compromise highway safety.
17. Accordingly, the proposal accords with Policy 14 of the Core Strategy, which seeks to promote and prioritise the safety of pedestrians and cyclists and therefore is material in this case. In addition, it would also accord with DM Policy 19 of the Local Plan regarding public safety.

Conditions

18. The Council have suggested that 6 conditions be imposed on the planning permission and advertisement consent.
19. In respect of Appeal A, I have had regard to the approach in the National Planning Policy Framework and the Planning Practice Guidance. I have imposed the statutory time limit condition and in the interest of certainty a condition specifying the plans and documents that are approved and that the development shall be undertaken in accordance with them. To protect the character and appearance of the area and the function of the public realm, it is

also necessary to impose a condition requiring the existing telephone kiosk close to the appeal site to be removed and the footpath reinstated before the Street Hub is installed. As this is clearly stated to be part of the proposal in the appellant's statement of case and forms part of the description of the development, it is not necessary to have this pre-commencement condition agreed by the appellant.

20. In respect of Appeal B, the Council have suggested a condition that limits the consent to five years and sets out the five standard conditions at Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. However, this condition is not necessary as Regulation 14(7)(b) automatically limits consents to 5 years and Regulation 14(a) imposes the standard conditions. Notwithstanding this, in the interest of certainty a condition is required specifying the plans that are approved and that the development shall be undertaken in accordance with them. Also, to ensure highway safety is not compromised it is necessary to impose conditions controlling the level of illumination and frequency of change in display of the proposed adverts, as well as to restrict other visual effects that could cause a distraction to drivers.
21. Some other conditions have also been recommended by interested parties. However, the Council has not indicated to me that these should be imposed and from my observations and the evidence before me I see no reason to disagree.

Conclusion

22. For the reasons given above I conclude that Appeal A and Appeal B are allowed.

Hannah Guest

INSPECTOR