



Appeal Decisions

Site visit made on 31 October 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal 'A' Ref: APP/L5240/W/21/3285096

Outside Halifax, 1513-1515 London Road, Norbury, Croydon SW16 4AE

- 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 Croydon.
 - The application Ref 21/03238/FUL, dated 28 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal 'B' Ref: APP/L5240/H/21/3285097

Outside Halifax, 1513-1515 London Road, Norbury, Croydon SW16 4AE

- 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 Croydon.
 - The application Ref 21/03239/ADV, dated 28 May 2021, was refused by notice dated 3 September 2021.
 - The advertisements proposed are 2no. digital 75" LCD display screens, one on each side of the street hub unit.
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Decisions

Appeal 'A' Ref: APP/L5240/W/21/3285096

1. The appeal is allowed and planning permission is granted for 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks, outside Halifax, 1513-1515 London Road, Norbury, Croydon SW16 4AE, in accordance with the terms of the application, Ref 21/03238/FUL, dated 28 May 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Appeal 'B' Ref: APP/L5240/H/21/3285097

2. The appeal is allowed and express consent is granted for 2no. digital 75" LCD display screens, one on each side of the street hub unit. 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 the schedule at the end of these decisions.
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Procedural matters

3. The two appeals concern the same proposal on the same site. Appeal 'A' concerns the refusal of planning permission to erect a BT street hub. Appeal 'B' concerns the refusal of express consent to display advertisements on the street hub. I have considered each on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decisions letter.
4. The Advertisements Regulations stipulate that control may be exercised only in the interests of amenity and public safety. In determining the advertisement appeal, the development plan policies are not determinative, but I have taken them into account in determining the appeal against the refusal of planning permission.

Main issues

5. The main issues are, in appeal 'A', the effect of the proposed development on:
 - the character and appearance of the area, including the surrounding townscape and public realm;
 - pedestrian movement; and,
 - highway and crime safety;and, in appeal 'B', the effect of the proposed advertisements on:
 - visual amenity; and,
 - highway and crime safety.

Reasons

Character and appearance of the area and visual amenity

6. The site of these appeals is on a section of London Road, enclosed by shops and food take-aways, close to Norbury Station. At my site visit it was busy with people moving along and crossing the street, passing into and out of the shops, and getting on and off buses. Its commercial character is characterised by shop advertisements including fascias, projecting signs and window signs. There is a large billboard poster on the railway bridge, posters on the large air-quality monitoring box on the opposite footway, and advertisements and fly posters on the enclosing walls of the telephone box which this BT street hub would replace.
7. The removal of the metal and plastic, dome-topped BT phone box, which would be necessary for the development to be effective, would not harm the townscape of the street or the attractiveness of the public realm.
8. I appreciate that the street hub would be taller and broader than the phone box which it would replace. However, it would be narrower. It would have more slender proportions, a plainer form, more streamlined detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street than the more corporately identified phone box. It would appear less bulky and less conspicuous than the phone box it would replace.

9. I appreciate that the existing advertisements attached to the phone box are not illuminated. However, in terms of appearance, there is a world of difference between paper or vinyl advertisements pasted over the glazed panels of a phone box and its rails and the purposed-designed, well-detailed street hub containing LCD screens. Moreover, many of the surfaces of the phone box are covered in fly posters. In my view, the street hub, including its advertisement panels, would improve the visual and townscape qualities of the street scene.
10. Given the already bustling, commercial aspect in this section, and subject to conditions to control their illumination at night, I can see no harm to visual amenity from the size, positions and method of illumination of the advertisements on the street hub.
11. I conclude on this issue that, given the condition, siting, and prominence of the phone box which the proposal would replace, there would be no harm to the character and appearance of the area, including the surrounding townscape and public realm. There would be no harm to visual amenity. There would be no conflict with London Plan 2021 (LP) policies D3 and D8, nor with Croydon Local Plan 2018 (CLP) policy SP4. These seek development that encourages active travel with inclusive pedestrian routes, and require development to ensure that the public realm is attractive and related to the local context, to respond to local distinctiveness, and to contribute positively to public realm and townscape.

Pedestrian movement

12. The BT street hub would reduce the clear width of footway over the present condition. However, the reduction would be marginal. Sufficient clear width would remain to allow people to pass comfortably. In this particular context, where a post box stands a similar distance into the footway, and where street-lamp columns and bicycle stands already occupy the same zone, I can see no potential obstruction to the footway.
13. I appreciate that the Council's guidance¹ suggests that street clutter should be avoided and that only furniture that is either needed or improves the user experience should be added to the public realm. While the street hub would be another item of street furniture, given that it would replace a phone box in the same location, and noting the clear width of footway which would remain in this widened section, I can see no conflict with the use of the footway or access to the buildings on this side.
14. There would be no conflict with LP policy D8, nor with CLP policy SP4 which require development to contribute positively to the public realm, to provide for its movement and place functions, and which indicate that applications that introduce unnecessary street furniture should be refused.

¹ Croydon's Public Realm Design Guide 2019, Council of the London Borough of Croydon

Highway safety

15. The street hub would be orientated to face oncoming drivers and sited close to the kerb of the footway, in the drivers' sight lines. This would reduce the risk of drivers turning away from the road to look at the advertisements, in accordance with the guidance² of Transport for London. Given the width of the road and the positioning of cars on the approach to the pedestrian crossing, it would not reduce to an unsafe degree over the present condition the visibility of the crossing signal or any views of people waiting to use the crossing. It would be sited sufficiently distant from the bus stop on the same side to avoid advertisements distracting drivers as they manoeuvre buses.
16. There is no substantive evidence, and nothing that I could see on-site, to suggest that there would be any conflict with signage, nor that the road geometry and layout is so complicated, nor that driving conditions are so demanding, that the proposal would present an unacceptable highway safety risk.
17. I conclude on this issue that there would be no material risk to highway safety from the proposal and no conflict with LP policy T4 and CLP policy DM29 which protect the safety of people using roads and footways.

Crime safety

18. I acknowledge the consultation response from the Metropolitan Police describing a severe crime risk in London Road, and their recommending the suspension of the function of free phone calls, free Wi-Fi and free phone charging. However, the Council has not recommended any such condition.
19. In these circumstances, and noting the provisions of the BT Street Hub Anti-social Behaviour Management Plan, which provides for call restrictions, the disabling of the USB port and, alongside its algorithm, the priority assigned to contact from the police, a planning condition could reduce the risk of the BT street hub being used for crime to an acceptable degree.
20. The present condition of the phone box already obscures some views down the street. The additional width and height of the BT street hub would not make a material difference to sight lines in terms of natural surveillance.
21. I conclude on this issue that, subject to a condition to secure the management plan, there would be no unacceptable risk to crime safety from the proposal. There would be no conflict with LP policy D3 which requires measures to design out crime being integral to development proposals and opportunities for anti-social behaviour, criminal activities and terrorism to be reduced. Nor would the proposal run against the National Planning Policy Framework which requires in paragraph 92 that decisions aim to achieve safe places and high-quality public space so that crime and the fear of crime do not undermine the quality of life.

Other matters

22. I acknowledge that LP policy D8 requires lighting for advertisements to minimise intrusive infrastructure and reduce light pollution. However, in this

² Guidance for Digital Roadside Advertising and Proposed Best Practice, Transport for London, 4 March 2013

proposal the lighting would be in-built. Given the location in a large city with streets lit by streetlights and buildings, I am not convinced that, subject to a condition controlling its illuminance, the proposal would result in a harmful increase in light pollution or disturbance to surrounding occupiers.

23. I have had regard to the risk of harm from the cumulative effect of similar installations in the same area as this proposal. However, on the evidence before me, and from what I saw in the area, I cannot identify any such risk.
24. I note the intention to remove a second phone box, on the corner of London Road and Strathyre Avenue. There is no objection from the Council to this, and I have no reason to disagree with it. While the disposal of the second phone box may be considered a benefit to the public realm, given my conclusions above on the first phone box, the removal of the second phone box has not been a decisive factor in weighing the balance of this proposal.

Conditions

25. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance, and amended them where necessary. In appeal 'A, in addition to the statutory time condition [1], a condition [2] listing the approved drawings is needed to ensure clarity on what has been permitted.
26. The appellant's product statement describes the facing materials as powder-coated aluminium and glass, and the renders show the metal in a very dark monotone. There is no necessity for details of facing materials or finishes to be approved. However, in the interests of appearance and visual amenity it is necessary for the specification to be followed, so I have applied a condition [3] to secure this.
27. It is also necessary, in order to reduce the risk of street crime and anti-social behaviour in the outer London borough with the highest crime rate and in this area identified by the police as having a severe crime risk, that a condition be applied to ensure that the street hub is effectively managed. I have therefore applied a condition [4] for its management to be in accordance with the BT Street Hub Anti-social Behaviour Management Plan April 2021.
28. In appeal 'B', to prevent visual intrusion and distraction to road users, it is necessary to apply a condition [1] to control the illuminance of the advertisements so that they do not stand out significantly from the background illumination in the street, during darkness. The proposal is for the advertisements to have internal illumination of 2,500cd/m². It is unclear how the Council has determined that the level should be no greater than 300cd/m². However, the lighting guidance³ suggests that in urban areas, such as this, the maximum level could be up to 600cd/m². Given the location of the proposal, the commercial and lit character of the street, the visual contrast of the surroundings, and the size of the street hub's screens, I consider that 600cd/m² is a reasonable upper limit.

³ Professional Lighting Guide 05, The Brightness Of Illuminated Advertisements, 2015, Institution of Lighting Professionals

29. To avoid the risk of distraction to drivers, it is also necessary for conditions to avoid, special effects, moving or sequenced images [2], to ensure a minimum display time [2], and to reduce the rate of change of images to instantaneous [3].

Conclusion

30. For the reasons given above, and taking into account all matters raised, the appeals are allowed.

Patrick Whelan

INSPECTOR

SCHEDULES OF CONDITIONS

Appeal 'A' Ref: APP/L5240/W/21/3285096

- 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: 1A SITE LOCATION MAPS; 2A PROPOSED SITE PLAN; 3A EXISTING AND PROPOSED ELEVATIONS.
- 3) The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposal Renders 2021.
- 4) The BT street hub, including its electronic features, shall be managed in accordance with the BT Street Hub Anti-Social Behaviour Management Plan, April 2021, for the lifetime of the development.

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In addition to the five standard conditions in the Regulations:

- 1) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).
- 2) The minimum display time for each advertisement shall be 10 seconds. There shall be no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.
- 3) The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

END OF SCHEDULES OF CONDITIONS