



Appeal Decisions

Site visit made on 22 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 3 May 2023

Appeal 'A' Ref: APP/L5240/W/21/3287316

Outside Waitrose, 24-27 Norfolk House, George Street, Croydon CR0 1LG

- 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 21/03228/FUL, dated 28 May 2021, was refused by notice dated 22 October 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/21/3287317

Outside Waitrose, 24-27 Norfolk House, George Street, Croydon CR0 1LG

- 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 21/03229/ADV, dated 28 May 2021, was refused by notice dated 22 October 2021.
 - The advertisements proposed are 2no. digital 75-inch LCD display screens, one on each side of the street hub unit.
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Decisions

Appeal 'A' Ref: APP/L5240/W/21/3287316

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, on the pavement outside Waitrose, 24-27 Norfolk House, George Street, Croydon CR0 1LG, in accordance with the terms of the application, Ref 21/03228/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/21/3287317

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 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;
 - 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. Reflecting its position in secondary retail frontage in a primary shopping area, George Street has a busy commercial character. The predominantly C20 buildings which enclose this part of the street share a clean, modernist aesthetic, yet in view are older buildings which form smart parades further along, in both directions. The buildings are activated by a range of ground floor uses including shops, restaurants, a bank and a gym. Reinforcing its attractive character, the street has a pleasing and interesting variety in the scale, detailing and materials of the buildings which enclose it.
7. The telephone boxes proposed for removal are metal and plastic, dome-topped BT models. Their design and materials give them more of a corporate, universal identity than lending them any affinity with the attractive townscape of the buildings which surround them. Their removal would not harm the townscape of the street or the attractiveness of the public realm.
8. I acknowledge that the street hub would be taller than the phone boxes which it would replace. However, it would be narrower and less broad. 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 boxes. It would appear less bulky and less conspicuous than the phone boxes it would replace, and more compatible, architecturally with Norfolk House.

9. I recognise that the existing advertisements attached to the phone boxes 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. Further, many of the surfaces of the phone boxes are covered in graffiti or fly posters. These, together with the remnants of graffiti on the remaining parts of clear panels diminish their visual permeability.
10. Given the already bustling, commercial nature of this section of the street, the proposal would not undermine its character as a place to live in, work in, or visit. Given the forlorn appearance of the phone boxes which would need to be removed for it to be effective, the street hub would enhance the character of this section of the street. In my view, the street hub which would replace the phone boxes, including its advertisement panels, would improve the visual and townscape qualities of the street scene.
11. This section of the street is characterised by the shops and restaurants which advertise themselves with fascia signs, projecting signs, and window displays. In this context, 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.
12. I have had regard to the risk of harm from the cumulative effect of similar installations in the area, including on the opposite side of this street. However, given the substantial spacing between the street hubs, as well as their distance from other advertisements and signs, I can identify no such risk.
13. Given that the existing phone boxes would be removed, the proposal would not harm 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 convenient and inclusive pedestrian routes and requires 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 the public realm and townscape.

Pedestrian movement

14. The street hub would leave sufficient clear passage beside it so as not to impede people moving along the footway, even when busy. Being slimmer than the phone boxes, it would not restrict the passage of people moving across the street.
15. 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. However, given that it would replace two phone boxes on the same site, and noting the retained width of free passage around it, I can see no conflict with people using the street, or the integrity of its public realm.

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

16. There would be no conflict with LP policy D8, nor with CLP policy SP4 which requires development to contribute positively to the public realm, to provide for its movement and place functions, and which indicates that applications that introduce unnecessary street furniture should be refused.

Highway safety

17. The street hub would be orientated to face oncoming tram drivers and sited close to the kerb of the footway, in the drivers' eye lines, which would reduce the risk of drivers turning away from the tram line to look at the advertisements. It would be sufficiently distant from tram stops and signalised crossings to avoid any risk of distraction on the approach to them.
18. I also saw that the zone by the kerb in George Street is not devoid of street furniture – I saw it already contains bins, powerline columns, bike stands, and a wayfinding totem, as well as the phone boxes proposed for removal.
19. I appreciate that the phone boxes do not contain advertisements facing the direction of the tram movements. However, given the commercial character of George Street, and the number of advertisements and signage already in the street, the size of the advertisements proposed, and their illumination, would not appear conspicuous or distracting to tram drivers or pedestrians.
20. Sufficient clear passage would remain on the footway to avoid the risk of pedestrians having to move into the tram zone to pass the street hub. 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 or tram line geometry and layout are so complicated, nor that driving conditions are so demanding, that the proposal would present an unacceptable highway safety risk.
21. I have taken into account that trams pass along this street. However, a successful street, especially in a Primary Shopping Area, is a shared, public space. It is not the domain of a single use or a single operator. Given that the street hub would replace two existing phone boxes, 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. Nor would the proposal run against the National Planning Policy Framework (the Framework) which stipulates in paragraph 111 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Crime safety

22. I acknowledge the consultation response from the Metropolitan Police describing a severe crime risk in George Street, 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.
23. 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.

24. 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 development to achieve safe and secure environments and the sub-text of which describes how measures to design out crime should be integral to development and how the opportunities for anti-social behaviour, criminal activities and terrorism should be reduced. Nor would the proposal run against the 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

25. I acknowledge that LP policy D8 requires lighting for advertisements to minimise intrusive infrastructure and reduce light pollution. However, in this 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.
26. I appreciate that there is a view from this street towards Seifert's 'threepenny bit' building, protected by CLP policy SP4. Given the height and proximity of the Tower, the relative height of the street hub, and the length and breadth of the remainder of the street which holds the view, I could not identify any material harm to any view of it, neither as a block nor as a distraction, nor any reduction in the ability to appreciate its architectural intricacy and its distinctive contribution to the skyline and townscape of Croydon.

Conditions

27. 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.
28. 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, the specification must be followed, so I have applied a condition [3] to secure this.
29. It is also necessary, 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 is 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.

30. 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 guidance² 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.
31. 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

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

Patrick Whelan

INSPECTOR

² Professional Lighting Guide 05, The Brightness Of Illuminated Advertisements, 2013, Institution of Lighting Professionals

SCHEDULES OF CONDITIONS

Appeal 'A' Ref: APP/L5240/W/21/3287316

- 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, 2013).
- 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