



Appeal Decisions

Site visit made on 21 June 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal A Ref: APP/L5240/W/22/3307312

Pavement outside 54 North End, Croydon CR0 1UG

- 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 JCDecaux UK against the decision of the London Borough of Croydon Council.
 - The application Ref 22/02767/FUL, dated 30 June 2021, was refused by notice dated 24 August 2022.
 - The development proposed is installation of a modern, multifunctional Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/L5240/H/22/3307314

Pavement outside 54 North End, Croydon CR0 1UG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK against the decision of the London Borough of Croydon Council.
 - The application Ref 22/02768/ADV, dated 30 June 2021, was refused by notice dated 24 August 2022.
 - The development proposed is 86-inch LCD screen capable of showing illuminated static displays in sequence.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. There are two 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 own merits, I have dealt with both in a single decision letter.
4. I have used the address on the application form in the banner heading above. However, I have removed the reference to Top Shop as this is not the current business at the address.

Main Issues

5. The main issues in respect of Appeal A are the effect of the proposed development on:

- the character and appearance of the area, including whether it would preserve or enhance the Central Croydon Conservation Area, and the significance of locally listed buildings;
 - the functioning of the public realm; and
 - highway and pedestrian safety.
6. The main issues in respect of Appeal B are the effect of the proposed advertisement on the visual amenity of the area and public safety.

Reasons

Character and Appearance/Visual Amenity

7. North End forms part of the commercial and civic core of Croydon. Its frontage is primarily retail at ground level, and it is flanked by two indoor shopping centres.
8. Most of North End is located within the Central Croydon Conservation Area (CCCA), including the area where the proposed development would be located. I have therefore approached Appeal A in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CCCA. In respect of Appeal B, I have taken the same approach, in so far as it relates to my consideration of amenity.
9. North End comprises a relatively wide highway, which is largely pedestrianised and follows the historic street pattern. Despite more recent commercial development, it retains its historical fabric, particularly above ground level. There are a significant number of pedestrian movements along it during the day, as well as people meeting, dwelling and shopping. This creates a large degree of vibrancy.
10. The section of North End where the proposed Hub unit and advertisement would be located comprises a variety of historical buildings dating from the mid-19th Century, including Nos 58 to 66 (even), which are locally listed. The buildings are predominately terraced and vary in height, up to 3-storeys, some with rooms in the roof. There are also large mature street trees at regular intervals along North End, which, together with the buildings provide some enclosure to the public realm.
11. Notwithstanding this, given the generous width of North End, the public realm has a sense of spaciousness. There is a relatively large amount of street furniture along North End, comprising benches, lighting columns, bins, and telephone boxes. Nonetheless, it is positioned to align with the street trees, and, with the exception of the lighting columns, most items are positioned underneath the canopies of the trees close to their trunks. This helps to visually contain the items in the street scene meaning that the public realm does not appear cluttered. The existing street furniture has a simple design and although the materials used vary, the coloured finish is mainly black or silver.
12. In terms of advertisements, generally any freestanding advertisements on the section of North End where the proposed advertisement would be located, are modest, non-digital, non-illuminated, A-boards or similar. There are a limited

number of digital, illuminated advertisement in the immediate area, which tend to be positioned within shop windows.

13. The significance of the CCCA, in so far as it relates to this appeal, is the architectural value and arrangement of the buildings and how they relate to the evolution of the area, including the spaciousness resulting from the composition of the public realm. The CCCA Appraisal and Management Plan (2014) identifies street clutter as a threat and issue affecting the character and appearance of the CCCA.
14. The proposed development would be located outside No. 54 North End between an existing lighting column and bench. At this point on North End the street furniture is repositioned from the western side to the eastern side, and the lighting column is the first item in the eastern row of aligned furniture.
15. The proposed Hub unit, by virtue of its height and width, would be larger than the existing street furniture, except for the existing telephone boxes, which are placed in pairs. However, while the existing telephone boxes are generally in a poor condition, they tend to be well integrated into the public realm, positioned towards the middle of the rows of aligned street furniture. Furthermore, most also have a degree of transparency, which allows views through them and reduces their bulkiness and prominence in the street scene. The proposed Hub unit, in comparison, would be positioned at the beginning of the row of street furniture and would be a solid structure that would appear bulky and would impede views along North End.
16. The simple form and black and dark grey appearance of the proposed Hub unit would not appear incongruous in the street scene. However, by virtue of its position and size, it would not be in keeping with the existing street furniture or composition of the public realm. While it may be that this type of development could be successfully integrated into conservations areas, in this case, the size and position of the proposed Hub unit would make it obtrusive in the street scene and would erode the spaciousness of the immediate area. This would harm the significance of the CCCA and the setting of the locally listed buildings, albeit the harm to the locally listed buildings would be limited given their more significant historical fabric is on the upper floors.
17. The proposed advertisement is significantly larger than any other freestanding advertisements in the immediate area. Given this, and that digital illuminated freestanding advertisement are not prevalent in the area, it would also be an incongruous addition to the street scene and would increase the obtrusiveness of the Hub unit. This would harm the visual amenity of the area, including the significance of the CCCA. Notwithstanding this, for the same reasons as above, any harm to the setting of the locally listed buildings would be limited.
18. The Council has raised concerns regarding the brightness of the illumination of the proposed advertisement. It is not clear from the information provided as part of the application exactly what level of illumination is proposed. The operational limit is identified in the Hub Unit Detail document¹ as 2000Cd/m² during the day and 600Cd/m² at night. The appellant has also suggested that a condition be imposed limiting the brightness of the illumination to 300Cd/m²

¹ Appendix A London Borough of Croydon, Communication HUB Proposal, Hub Unit Detail to London Borough of Croydon, Communication HUB Proposal, Site 2 Pavement outside 54 North End CR0 1UG, Site Plan and Images by JCDecaux.

from dusk till dawn. I note that this level of illumination is considered satisfactory by the Council's Pollution Control Officer with regards to light pollution. Nonetheless, any level of illumination would further exacerbate the obtrusiveness of the proposed development that I have identified above.

19. In respect of Appeal A, for the reasons above, I find the harm to the significance of the CCCA would be less than substantial. As such Paragraph 202 of the National Planning Policy Framework (the Framework) requires this harm to be weighed against the public benefits of the proposed development.
20. In terms of benefits, the proposed development would provide several public services, including free ultrafast Wi-Fi, free phone calls to landlines and charities, a defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies, such as environmental conditions, CCTV and key data.
21. The Council have raised concerns that some of these services, such as free ultrafast Wi-Fi, device charging and phone calls, could lead to an increase in anti-social behaviour and in turn violent crime associated with robbery and the theft of mobile phones. However, while the Metropolitan Police share the same concerns, they consider the location of the proposed development would be a standard risk that could be managed through a management plan and algorithm. I am satisfied that, in the event that the appeal was allowed, a condition could be imposed requiring the exact details of the management plan and algorithm to be agreed with the Local Planning Authority before the proposed Hub unit is made operational.
22. Therefore, the public services weigh in favour of the proposed development, and I afford them moderate weight. This takes into account that many of the services can be performed on a mobile phone and the commercial location of the proposed development means there would likely be other sources of free WI-FI available in the area. I afford greater weight to the provision of a defibrillator, as there did not appear to be any other devices located nearby, and it would increase the chances of someone surviving an out of hospital cardiac arrest.
23. The proposed Hub unit would be powered by green electricity and lit using high-capacity batteries, powered by solar energy. This recognises the climate emergency and the need to reduce carbon. Thus, also weighs in favour of the proposed development.
24. Paragraph 199 of the Framework gives great weight to the conservation of designated heritage assets including conservation areas. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. I must pay special attention to the desirability of preserving and enhancing the character and appearance of the CCCA. Given this, the benefits of the proposed development, even when taking account of the greater weight afforded to the provision of a defibrillator and the environmental benefits of the proposed Hub unit's energy efficient design, do not outweigh the harm I have identified to the significance of the CCCA.
25. Accordingly, in respect of Appeal A, the proposed development would harm the character and appearance of the surrounding townscape, the significance of the CCCA and the setting of the locally listed buildings, albeit any harm to the setting of the locally listed buildings would be limited. Thus, it would conflict

with Policy SP4 of the Croydon Local Plan (2018) (Local Plan) and Policy D3 of the London Plan (2021). These seek to ensure that development is of a high quality, which respects and enhances local character and contributes positively to the public realm, landscape, and townscape by following a design-led approach. It would also conflict with Policy DM18 of the Local Plan and Policy HC1 of the London Plan (2021), which seek to preserve and enhance the significance of heritage assets.

26. In respect of Appeal B, the proposed advertisement, by virtue of its size and illumination would harm the visual amenity of the area. While the policies referred to above do not relate directly to advertisements and are not determinative, they seek to protect the visual amenity of the area. The proposed advertisement would conflict with these policies.

Functioning of the public realm

27. Although not specifically referred to on the Decision Notice, the Council raise concerns regarding the proposed development's effect on the functionality of the public realm and refer to Policy D8 of the London Plan (2021). This policy seeks to conserve and enhance the quality of the Public Realm, by among other things, considering the use, design, and location of street furniture so that it complements the use and function of the space.
28. I saw on site that pedestrians cross the space where the proposed development would be located relatively frequently to access the entrance to the Whitgift Shopping Centre, which is a short distance away. The proposed development would create an additional obstruction, which would partly block this pedestrian desire line. Nevertheless, the proposed development would have a significant amount of clear space around it and would be aligned with several other items of street furniture. Therefore, while the proposed development would result in a loss of pedestrian space contrary to the aims of Croydon's Public Realm Design Guide (2019) (SPD), there are alternative pedestrian routes and space available. Any difference in the convenience of these routes would be negligible. Moreover, while the proposed advertisement may distract some pedestrians, given it is a pedestrianised area, it is unlikely that any substantive harm would arise as a result.
29. I appreciate that the proposed development would restrict views along North End taken from the adjacent bench. However, while this is likely to reduce the enjoyment of using this bench, there are many other benches in the wider area. There is sufficient space between the proposed development and the bench for it not to unduly restrict access to the bench, therefore although the overall enjoyment may be reduced, the primary use of the bench would not be affected.
30. Accordingly, in respect of Appeal A, the proposed development would not harm the functioning of the public realm. It would therefore accord with Policy SP4 of the Local Plan and Policy D8 of the London Plan (2012) in this respect.

Public Safety

31. This section of North End is a wide, pedestrianised area, which is not the type of location likely to affect public safety. While the proposed advertisement would likely distract drivers, the number likely to pass the proposed

development, particularly during times of high pedestrian footfall, would be extremely limited.

32. The width of the footway in the location of the proposed development is already partly restricted by the existing group of street furniture that the proposed development would be aligned with. Therefore, while the proposed development would take up some pedestrian circulation space and would therefore be likely to affect the free flow of pedestrians to some degree, it would not significantly reduce the width of the pavement in this location. The remaining gap between the proposed development and the buildings would be around 6.5 metres, which would provide sufficient space for street cleaning and emergency vehicles. Given this, the effect of the proposed development on public safety would be limited and not to the degree that it would result in any harm.
33. In respect of Appeals A, the proposed development would not result in a detrimental impact on highway or pedestrian safety. Accordingly, it would accord with Policy DM29 of the Local Plan and Policy T4 of the London Plan (2012), which seek to ensure that development proposals do not have a detrimental impact on highway safety.
34. In respect of Appeal B, the proposed advertisement would not harm public safety. While the policies referred to above do not relate directly to advertisements and are not determinative, they seek to protect public safety. The proposed advertisement would accord with these policies.

Other Matters

35. The appellant highlights their commitment to ensure that the standard of remediation and reinstatement of the public footpath is exemplary. However, the existing footway is in a reasonable condition and any remediation and reinstatement would only be required as a result of installing the proposal. Moreover, in the event that Appeal B was allowed, the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 require any site used for the display of advertisements to be maintained in a condition that does not impair the visual amenity of the site.
36. While the proposed development may be compliant with other provisions of the development plan or Framework, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposed development.

Conclusion

37. Overall, I have found that the proposed development would have a harmful effect on the character and appearance of the area and its visual amenity, including harm to the significance of the CCCA and locally listed buildings. In respect of Appeal A, the harm to the significance of the CCCA is not outweighed by public benefits. While I have not identified any harm in respect to the functioning of the public realm, public safety, or other relevant matters, for the reasons above, I find that the proposed development would conflict with the development plan taken as a whole, as well as the Framework, and would be contrary to the Regulations to control advertisements.
38. I acknowledge the support given to the development of digital infrastructure by the Framework and other Government strategies and priorities. However, in

this case, the benefits arising from the enhanced communication and information services, defibrillator, and Hub unit's energy efficient design, would not outweigh the harm I have identified, nor would they justify conflict with the development plan.

39. For the reasons above, and having had regard to all other matters raised, I therefore conclude that the appeals should be dismissed.

Hannah Guest INSPECTOR