



Appeal Decisions

Site visit made on 02 August 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Appeal A Ref: APP/K5030/W/22/3301222

Pavement o/s 6 New Bridge Street, London, EC4V 6AA

- 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 City of London Council.
 - The application Ref 21/01054/FULL, dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The development proposed is proposed installation of 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/K5030/H/22/3301223

Pavement o/s 6 New Bridge Street, London, EC4V 6AA

- 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 City of London Council.
 - The application Ref 21/01055/ADVT, dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed is proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. As the site is in a conservation area, I have had special regard to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in respect of Appeal A. This requires that special attention shall be paid to the desirability of '*preserving or enhancing the character or appearance*' of a Conservation Area (CA).
5. In relation to Appeal B, the Council has cited the National Planning Policy Framework (2021) (the Framework), policies of the City of London Local Plan (2015) (Local Plan), policies of the London Plan (2021) (London Plan) and guidance in the City of London Transport Strategy (2019) (Transport Strategy) and the City Public Realm Supplementary Planning Document (2016) (SPD) in its refusal of consent. I have taken them into account as material considerations. However, the power to control advertisements under the

Regulations¹ may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination of Appeal B.

6. Moreover, in respect of Appeal B, the Regulations advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass CA's. Therefore, the location of the site in relation to the CA is relevant to the consideration of 'amenity'.

Main Issues

7. The main issues are the effect of the proposed advertisements/development on:
 - the amenity of the area (both appeals) including, in the case of Appeal A, whether the development would preserve or enhance the character or appearance of the Fleet Street CA; and
 - public safety (both appeals).

Reasons

Amenity and conservation area

8. The appeal site is located within the footway outside No 6 New Bridge Street, near the junctions at Ludgate Circus and is within the Fleet Street CA. In so far as it relates to these appeals, the significance of the CA derives largely from its historic network of streets, along with the exceptional richness and variety in architectural styles and ages of buildings.
9. Most advertisements in the vicinity are fascia signs associated with retail and commercial uses at ground floor level. There are also advertisements on some of the glass panels of the existing kiosks. However, there is a distinct absence of strident advertisement displays.
10. The approach along the footway from Ludgate Circus to the appeal site is divided by a railing. This separates a lower footway from an upper footway. Travelling either from or toward the upper footway, the existing kiosks are within the direct line of travel for pedestrians. As such, pedestrians must adjust their route accordingly. However, their slender width, modest height, use of some transparent glass panels and lack of illumination means they are relatively discrete features within the footway. For these reasons, whilst they do not positively contribute to the significance of the CA, I do not find them harmful.
11. In contrast, the taller and wider presence of the proposed street hub, with its large, illuminated advertisement screens would be a striking feature within the direct flow of pedestrians travelling on the upper footway away from Ludgate Circus. Here, not far past the end of the railings it would unduly dominate the view and detract from the public realm.
12. The rotation of a new image, combined with the sharpness and richness of the images displayed by the digital technology on the advertisement screens, even at the brightness levels proposed, would be an eye-catching feature. This

¹ Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

would detract and draw the eye away from views encompassing the built environment around Ludgate Circus. In this regard, the proposal would be to the detriment of the visual amenity of the area and the character and appearance of the CA.

13. Conditions suggested by the appellant would control the nature of images, including restrictions to prevent moving images. Moreover, there would be a significant reduction in the footprint and volume of built form on the footway from the removal of the existing kiosks. However, these matters would not alter my fundamental concerns regarding the effects from the street hub and the illuminated digital advertisement displays in this particular part of the footway in the CA.
14. My attention has been drawn to other appeal decisions, which have been allowed. From the evidence before me, the appeals at Church Street, Liverpool (Refs: 3205104 & 3205102) related to a street characterised by a variety of illuminated advertisements in the vicinity, including digital advertisement screens. Moreover, the appeal at 47-51 High Street, London (Ref: 3201678), related to a screen attached to an existing structure. In this regard, the circumstances that applied to the other cases are not directly comparable to those before me. Moreover, my concerns do not relate to the principle of the proposed development/advertisements. Instead, it is this particular location on the footway, and how this particular development/advertisements would be seen in this part of the CA.
15. I therefore conclude, in relation to Appeal A, that the proposed development would not preserve or enhance the character or appearance of the CA. Moreover, I conclude, in relation to Appeal B, that the proposed advertisements would have a harmful effect on the amenity of the area.
16. In relation to Appeal A, paragraph 199 of the Framework advises that when considering the impact of a development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the localised nature of the development, seen in views along New Bridge Street close to Ludgate Circus, I find the harm to be 'less than substantial' in this instance but, nevertheless, of great weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
18. The removal of the existing kiosks would create greater space in the footway and remove any anti-social behaviour associated with the kiosks. Additional benefits would arise from improved 5G mobile network coverage, free phone calls, ultrafast Wi-Fi, the ability to support environmental monitoring such as air quality, public and emergency services, maps and wayfinding, device charging facilities, public messaging, and the increased prominence of business advertising. Moreover, the street hub would be powered by renewable energy and the facilities it would provide would be inclusive and accessible to all, including at night.

19. Such benefits would accord with several policies of the Local Plan, the London Plan, and relevant paragraphs of the Framework. Moreover, I have no reason to question the case studies relating to kiosks in New York City and Wi-Fi in retail stores. These demonstrate the importance of digital connectivity in supporting both the quality of life of local residents and economic growth. This importance is reflected in planning policy and guidance including, amongst other things, paragraph 114 of the Framework. Moreover, in accordance with the Framework, I have no reason to question the need for an electronic communications system.
20. The street hub is proposed to form part of a wider network, which would cumulatively have significant public benefits. However, individually, this hub would have localised benefits. Accordingly, I give the overall benefits moderate weight. The absence of harm in relation to other considerations is a neutral matter. As I do not find the existing kiosks to be harmful, their retention as a fallback position does not weigh in favour of the appeals. Overall, the weight that I ascribe to the public benefits resulting from the proposed development, is not sufficient to outweigh the great weight that I attach to the harm I have identified. As such, in relation to Appeal A, the proposed development does not comply with paragraph 202 of the Framework.
21. Moreover, in relation to Appeal B, as the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, the environmental, social, or economic benefits emanating from the LCD advert screens does not outweigh my findings on this main issue.
22. To conclude, the proposed advertisements/development would have a harmful effect on the amenity of the area. Moreover, the proposed development would fail to preserve the character and appearance of the CA and would be contrary to the requirements of sections 72(1) of the Act.
23. Accordingly, the proposed street hub would be contrary to the requirements of Policies CS2, CS10, CS12, DM10.1, DM10.4, DM10.6, DM12.1 DM12.2, DM15.7 and DM16.2, of the Local Plan, Policies D4, D8 and HC1 of the London Plan, the objectives of the City Public Realm SPD, and the provisions of the Framework, when taken as a whole and in so far as they relate to this main issue. These say, amongst other things, that development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.

Public safety

24. Pedestrians walking from or heading toward the higher level of split footway adjust their travel line around the existing kiosks. Due to the orientation of the proposed street hub and its additional width pedestrians would have an increased obstruction. This, I accept, could be exacerbated by any users stood at the proposed street hub. However, there is no firm evidence that the hub would generate a level of activity that would create a significant obstruction.
25. Moreover, given the width of the remaining footway, the use of the street hub would not obstruct movement across the footway for all types of users. I recognise that anticipated pedestrian flows here could, at times, be high. However, there is no substantive evidence before me that demonstrates the remaining available footway would not be sufficient to accommodate any such

high levels. Its positioning and width would be an inconvenience to pedestrians, but I do not find that this translates into a public safety concern.

26. Adjacent to the footway is a cycle lane and if pedestrians stepped out unexpectedly onto the lane from behind the street hub, then such a scenario could cause an accident. However, the existing kiosks also obscure pedestrians on the footway and the proposed street hub would be no nearer the cycle lane. The cycle lane is clearly defined, and I do not consider the presence of cycles travelling along it to be unexpected or a surprise to any pedestrians intending to cross. Overall, I do not consider there to be any greater risk of conflicts between pedestrians and cyclists than the existing arrangements.
27. The lighting levels proposed for the LCD screens would be within the thresholds set out in Table 4 and the associated Note 1 of the Institute of Lighting Professionals document *The Brightness of Illuminated Advertisements* (Professional Lighting Guide 05) (2014). These include the maximum of 5,000cdm² for daytime sign luminance and 600cdm² at night in an urban environment for an advertisement up to 10m². Moreover, controls could be put in place on the display illumination, the speed of rotation of images and to ensure that the display does not contain moving images. In this regard, I do not consider the level of distraction from its positioning to have an unacceptable effect on public safety.
28. I therefore find that the proposed development/advertisements would not have an unacceptable effect on public safety. Accordingly, I find no conflict with the requirements of Policies CS10, CS16, DM10.4, DM10.8, DM15.7 or DM16.2 of the Local Plan, Policies D4, D5, D8 or T2 of the London Plan, the objectives of the Transport Strategy or the City Public Realm SPD, or the provisions of the Framework when taken together and in so far as they relate to this main issue. These say, amongst other things, that pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level.

Other Matters

29. Concerns regarding the processing of the applications or the pre application process, are not issues that I can assess as part of this appeal. The validity or not of such matters do not alter the effects of the scheme before me. Moreover, the absence of harm in relation to the second main issue, does not alter or outweigh my findings in relation to the first main issue.

Conclusion

30. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
31. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

Mr R Walker

INSPECTOR