
Appeal Decisions

Site visit made on 30 August 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal A: Appeal Ref: APP/N5660/W/23/3316141

Pavement Outside Lambeth North Station, Baylis Road, London SE1 7HW

- 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 Thomas Johnston (J C Decaux UK Limited) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04832/FUL, dated 15 December 2021, was refused by notice dated 28 December 2022.
 - The development proposed is the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication hub including advertisement display.
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Appeal B: Appeal Ref: APP/N5660/Z/23/3316142

Pavement Outside Lambeth North Station, Baylis Road, London SE1 7HW

- 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 Thomas Johnston (J C Decaux UK Limited) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04833/ADV, dated 15 December 2021, was refused by notice dated 28 December 2022.
 - The development proposed is the display of 1 x internally illuminated single sided LCD display unit.
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Decision

1. Appeal A is allowed and planning permission is granted for the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication hub including advertisement display on the pavement outside Lambeth North Station, Baylis Road, London SE1 7HW in accordance with the terms of application Ref 21/04832/FUL, dated 15 December 2021, subject to the conditions set out in a Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional conditions set out in the Schedule attached to this Decision.

Procedural Matters

3. The appeals relate to the same site and the same proposed development, namely a multifunctional communications hub which, amongst other things,

would have an illuminated digital advertisement display. To avoid unnecessary repetition, the 2 appeals have been dealt with in a single Decision letter but the appeals themselves have been considered based upon their own merits.

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reasons for refusal for Appeal B refer to policies contained in the Lambeth Local Plan 2020-2035 (LLP) and the London Plan (LP), they are material considerations rather than being decisive in the determination of this appeal.
5. For clarity, the description for Appeal B has been adopted and adapted from the Council's Decision Notice which refers to the proposed advertisement.

Main Issues

6. It is considered that the main issues for Appeal A are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the safety of other highway users. For Appeal B, the main issues are the effects of the proposed advertisement on the visual amenity of the area and public safety.

Reasons

Character and Appearance and Visual Amenity

7. The appeal site is located on Baylis Road adjacent to Lambeth North Underground Station and close to a traffic light controlled junction. The surrounding area is of a mixed character and appearance comprising both residential and commercial uses. Adjacent to the junction there are high level advertisement hoardings. Between the footway and carriageway of Baylis Road is a cycle lane whose alignment is deviated in the form of a chicane around a loading bay.
8. Adjacent to the site, the footway is wide and already includes a range of street furniture, including a cycle hire docking station with a tall totem information panel; cycle parking stands; an area identified for parking of scooters; trees including a replacement for what the Council previously identified as a tree stump; lamp posts; signs and the traffic lights with their associated control boxes. Reference is made by the Council to a BT Street Hub potentially being erected but no details of this other scheme, including its design and siting, have been provided and, as such, limited weight is given to this proposal in the determination of this appeal.
9. The proposed development includes the erection of a multifunctional communications hub which, in addition to the provision of telecommunication services such as ultrafast Wi-Fi and free phone calls to landlines, would also include a defibrillator and an illuminated digital advertisement panel that would be capable of promoting Council initiatives. As part of the appeal scheme, an existing telecommunication kiosk would be removed which is located to the east of the site. This kiosk has a larger footprint when compared to the proposed hub and is slightly separated from the main concentration of street furniture.
10. The siting of the proposed hub would be well related to the existing street furniture, including the totem information panel which, although narrower, is of

a similar height to the appeal scheme. By reason of siting and design, the proposed hub would appropriately integrate into the mixed character and appearance of the streetscene in this locality rather than be a particularly incongruous or conspicuous addition.

11. With the associated removal of the existing kiosk there would not be a material change to the overall quantum of street furniture which would result in an unacceptable cluttering effect which might otherwise adversely harm the character and appearance of the streetscene along this part of Baylis Road. The proposed hub would be related to, and integrated with, the main concentration of street furniture when compared to the bulkier kiosk and this would represent an improvement to the character and appearance of the streetscene in this locality.
12. For the reasons given, it is concluded that for Appeal A the proposed development would not cause unacceptable harm to the character and appearance of the streetscene and, as such, it would not conflict with LLP Policies Q2, Q5, Q6 and Q17. Amongst other matters, these policies require development to respect local distinctiveness by responding to positive aspects of the locality, not to unacceptably compromise visual amenity from the public realm and provide a safe, attractive, uncluttered and co-ordinated public realm. These policies also refer to street furniture being appropriate for its site and its immediate locality and for advertisements not adding to unacceptable street clutter and being integrated into their context. For the same reasons, it is concluded that Appeal B would not harm the visual amenity of the area.

Highway and Public Safety

13. The Planning Practice Guidance advises on the locations of, and types of, advertisements most likely to affect public safety on roads. It includes junctions and pedestrian crossings and those advertisements which are internally illuminated and subject to frequent changes of display, such as the proposed advertisement. From what was observed during the site visit, the proposed hub would be located on a comparatively clear and straight stretch of road with a segregated cycle lane, wide pedestrian footway and a loading bay. At the time of the site visit traffic speeds approaching the junction were low.
14. By reason of siting and size, the proposed hub would not interfere with the main part of the footway which was observed to be used by pedestrians. Pedestrian movements along the footway towards the entrance to the Underground Station are influenced by the cycle docking station and this route would be unaffected by the appeal scheme. In reaching this assessment account has been taken of the recently planted tree and other street furniture located adjacent to the Underground Station.
15. No obvious direct pedestrian desire route was observed across the appeal site during the site visit, including to/from the loading bay, the scooter parking area and the cycle docking station.
16. Concern has been raised that the siting and size of the proposed hub would obscure visibility for riders of scooters and cycles when seeking to exit or enter the cycle lane from the respective parking areas. However, the proposed siting of the hub is set away from the edge of the footway and, even allowing for the deviation in its alignment, there would be adequate and sufficient visibility

along the segregated cycle lane and carriageway of the road to avoid the appeal scheme compromising the safety of cyclists and scooter riders.

17. By reason of the siting of the proposed hub and its distance from the junction, drivers of vehicles travelling west along Baylis Road would be able to see at least one of the heads of the traffic lights. Further, the appeal scheme would not obstruct the view of drivers of scooter riders and cyclists accessing the cycle lane from the parking area or docking station. Accordingly, and taking into account the observations made during the site visit, including traffic speeds, the proposed development would not represent an unacceptable highway safety danger to the drivers of vehicles. Although the digital display would allow the changing of advertisements, the transition of the images and the restriction of moving images could be controlled by suitably worded conditions to ensure that there would be no unacceptable distraction to drivers.
18. For the reasons given, it is concluded that for Appeal A the proposed development would not cause unacceptable danger for other highway users and, as such, it would not conflict with LLP Policy Q17 and LP Policy T4 concerning proposals not increasing road danger and advertisements harming public safety. LLP Policies Q2, Q5 and Q6 are not of direct relevance to the safety of other highway users and public safety. For the same reasons, it is concluded for Appeal B that the proposed advertisement would not give rise to unacceptable public safety concerns.

Other Matters

19. Residents have raised a number of concerns most of which have been addressed under the main issues. The need for the proposed hub has been identified but the appeal scheme would replace an existing kiosk rather than introduce additional telecommunications equipment. The fear of crime has been raised but no specific evidence that this is a particular issue in this locality has been provided, particularly in circumstances where there is already an existing kiosk. Concerns about energy use are, at least in part, addressed by the energy efficient design of the hub and the appellant's corporate commitment to using energy from renewable sources.

Conditions

20. The Council has suggested several conditions in the event these appeals succeed which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance.
21. For Appeal A, for reasons of clarity it is necessary for the approved scheme to be defined, including the management plan. It is also necessary for there to be a condition to secure the removal of the existing telephone kiosk. However, because the tree stump has been replaced by a recently planted tree and there is sufficient width of footway, there is no requirement for the stump or tree to be removed.
22. For Appeal B, the advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. As already identified and in the interests of safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary. However, there is no clear justification for the level of illumination being less than the 600 cd/sqm identified by the appellant for hours of darkness which is also maximum level

referred to in the ILP guidance *The Brightness of Illuminated Advertisement*. Other conditions relating to the removal of the advertisement display are not considered to be necessary and securing the erection of the proposed development in accordance with the approved drawings has been addressed under Appeal A.

Conclusion

23. For the reasons given, it is concluded that Appeal A and Appeal B should be allowed.

D J Barnes

INSPECTOR

Schedule of Conditions

Appeal A:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out and operated in accordance with the following approved plans and documents: Site Plan and Images document; Hub Unit Details and Unit Management Plan (October 2020).
3. Prior to the commencement of any use or operation of the multifunctional hub hereby permitted, including the display of advertisements, the existing telephone kiosk located to the south east of the cycle docking station on Baylis Road shall be removed and the site shall be reinstated so that the surfacing matches the existing footway.

Appeal B:

1. The maximum luminance levels of the advertisement display hereby approved shall not exceed 600 cd/sqm during hours of darkness.
2. No visual effects of any kind shall be permitted to accompany the transition between any two successive displayed adverts or images. The replacement advert or image must not incorporate any fading, swiping or other animated transitional method.
3. The minimum time between successive displayed adverts or images shall be 10 seconds.
4. The digital advertising panel shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements) or special effects (including noise, smell, smoke and exposed cold cathode tubing) of any kind during the time that any advert is displayed.