



Appeal Decisions

Site visit made on 28 September 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal A Ref: APP/U5360/W/22/3311571

Pavement outside 64 Shoreditch High Street, Hackney E1 6JJ

- 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 Council of the London Borough of Hackney.
 - The application Ref: 2022/1997 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/U5360/H/22/3311572

Pavement outside 64 Shoreditch High Street, Hackney E1 6JJ

- 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 JCDecaux UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/1932 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is 86 inch LCD screen capable of showing illuminated static displays in sequence (relating to installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator).
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Appeal C Ref: APP/U5360/W/22/3311573

Pavement outside 20A Shoreditch High Street, Hackney, E1 6PG

- 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 Council of the London Borough of Hackney.
 - The application Ref: 2022/1998 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal D Ref: APP/U5360/H/22/3311574

Pavement outside 20A Shoreditch High Street, Hackney, E1 6PG

- 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 JCDecaux UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/1931 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is 86 inch LCD screen capable of showing illuminated static displays in sequence (installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator).
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Appeal E Ref: APP/U5360/W/22/3311575

Pavement outside 107 Great Eastern Street, Hackney EC2A 3JD

- 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 Council of the London Borough of Hackney.
 - The application Ref: 2022/1993 dated 4 August 2022, was refused by notice dated 13 October 2022
 - The development proposed is installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal F Ref: APP/U5360/H/22/3311576

Pavement outside 107 Great Eastern Street, Hackney EC2A 3JD

- 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 JCDecaux UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/1930 dated 4 August 2022, was refused by notice dated 13 October 2022
 - The development proposed is 86 inch LCD screen capable of showing illuminated static displays in sequence (installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator).
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Appeal G Ref: APP/U5360/W/22/3311578

Pavement outside 239 Old Street, Hackney N1 6HJ

- 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 Council of the London Borough of Hackney.
 - The application Ref: 2022/1999 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal H Ref: APP/U5360/H/22/3311579
Pavement outside 239 Old Street, Hackney N1 6HJ

- 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 JCDecaux UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2022/1928 dated 4 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is 86 inch LCD screen capable of showing illuminated static displays in sequence (installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator).
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Decisions

Appeal A Ref: APP/U5360/W/22/3311571

1. The appeal is allowed and planning permission is granted for installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator at Pavement outside 64 Shoreditch High Street, Hackney E1 6JJ in accordance with the terms of the application, Ref: 2022/1997 dated 4 August 2022, subject to the conditions set out in the attached schedule.

Appeal B Ref: APP/U5360/H/22/3311572

2. The appeal is allowed and express consent is granted for the display of 86 inch LCD screen capable of showing illuminated static displays in sequence (relating to installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator) as applied for and in accordance with the terms of the application, Ref: 2022/1932 dated 4 August 2022. 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 set out in the Schedule attached to this Decision.

Appeal C Ref: APP/U5360/W/22/3311573

3. The appeal is allowed and planning permission is granted for installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator at Pavement outside 20A Shoreditch High Street, Hackney, E1 6PG in accordance with the terms of the application, Ref: 2022/1998 dated 4 August 2022, subject to the conditions set out in the attached schedule.

Appeal D Ref: APP/U5360/H/22/3311574

4. The appeal is allowed and express consent is granted for the display of 86 inch LCD screen capable of showing illuminated static displays in sequence (relating to installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator) as applied for and in accordance with the terms of the application, Ref: 2022/1931 dated 4 August 2022. 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 set out in the Schedule attached to this Decision.

Appeal E Ref: APP/U5360/W/22/3311575

5. The appeal is allowed and planning permission is granted for installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator at Pavement outside 107 Great Eastern Street, Hackney EC2A 3JD in accordance with the terms of the application, Ref: 2022/1993 dated 4 August 2022, subject to the conditions set out in the attached schedule.

Appeal F Ref: APP/U5360/H/22/3311576

6. The appeal is allowed and express consent is granted for the display of 86 inch LCD screen capable of showing illuminated static displays in sequence (relating to installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator) as applied for and in accordance with the terms of the application, Ref: 2022/1930 dated 4 August 2022. 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 set out in the Schedule attached to this Decision.

Appeal G Ref: APP/U5360/W/22/3311578

7. The appeal is allowed and planning permission is granted for installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator at Pavement outside 239 Old Street, Hackney N16HJ in accordance with the terms of the application, Ref: 2022/1999 dated 4 August 2022, subject to the conditions set out in the attached schedule.

Appeal H Ref: APP/U5360/H/22/3311579

8. The appeal is allowed and express consent is granted for the display of 86 inch LCD screen capable of showing illuminated static displays in sequence (relating to installation of a modern multifunction Hub unit featuring an integral advertisement display and defibrillator) as applied for and in accordance with the terms of the application, Ref: 2022/1928 dated 4 August 2022. 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 set out in the Schedule attached to this Decision.

Preliminary Matters

9. Appeals A, C, E and G relate to the refusal of planning permission for the proposed hubs. Appeals B, D, F and H are in respect of the refusal of advertisement consent for the digital signage which would be an integral part of the proposed hubs sought under Appeal A, C, E and G. In respect of each pair of appeals, I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
10. In respect of Appeals B, D, F and H, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.

11. Although the reason for refusal relating to increasing crime and anti-social behaviour was only raised in respect of the planning applications for the proposed hubs, now being considered under Appeals A, C, E and G, I have dealt with this matter across all the appeals, as the advertisements are an integral component of each hub.
12. The Framework was updated in September 2023 but only in so far as it includes updated policy on planning for onshore wind development in England. It is not therefore necessary to reconsult the Appellant and the Council in respect of these appeals.

Main Issues

13. I consider that the main issues in respect of each of the appeals are:

In respect of Appeals A- H:

- a) the effect of the proposals on the character and appearance and visual amenity of the area, including proposed lighting,

in respect of appeals A and B, C and D and G and H:

- b) the effect of the proposal on public safety,

and in respect of Appeals A -H:

- c) the effect of the proposed development on opportunities for crime and anti-social behaviour.

Reasons

Background

14. The appeals all relate to four freestanding hubs, each with an integral advert display on one side with a call facility under a protective canopy on the other, which would replace an existing phone box in the southern part of the Borough of Hackney. In the case of Appeals A and B, C and D and E and F, the proposed street hub would be on a similar footprint to the existing unit, whereas in Appeals G and H the proposed replacement hub would be adjacent the existing, closer to the kerb.
15. The hubs would all be of the same design, with a width of 1338 mm and overall height of 2630mm; the depth of the main vertical element would be 317mm with the protective canopy extending out a further 600mm. There would be an 86 inch LCD screen display screen on one side, together a 32 inch touch screen including a call facility and access to other services, under a protective canopy on the other. Each proposal would provide a range of services, including, amongst others, free Wi-Fi, free phone calls to landlines and charities, 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. These features are implemented with all units powered by green electricity and lit using high-capacity batteries, powered by solar energy.

- 16.** Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, when determining proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Appeals A and B

Issue a) Character and Appearance

- 17.** The location of the existing phone unit and proposed replacement hub is on the footway outside No 64 Shoreditch High Street to the south of its junction with Redchurch Street. It would replace an existing covered phone unit with a static advertisement on one side.
- 18.** The appeal site lies within the South Shoreditch Conservation Area. Its significance relates to its historic association with the furniture and printing industries which were at their height in the mid to late nineteenth century and many of the buildings from that period and associated with those industries survive and provide its distinctive character and appearance. The buildings on either side of the road are substantial of four storeys or more, with a wide variety of individual buildings styles and interspersed with more recent infill development.
- 19.** The building adjacent the proposed hub is an attractive brick built, multi storey building with feature stone detailing, rising to 7 – 8 storeys. I understand that it dates from the twentieth century and therefore later than many of the buildings that contribute to the significance of the Conservation Area. Nonetheless it is an attractive building which reflects the industrial and commercial history of the local area.
- 20.** The proposed hub would occupy a smaller footprint than the existing and would therefore be slimmer and less bulky than the existing; it would be of a similar height. It would not therefore in my view be a more significant feature in this very urban landscape, dominated by substantial buildings. It would introduce internally illuminated advertisements, but these are not an uncommon feature in the street scene and in the Conservation Area, being associated with bus shelters, for example a short distance to the south of the south of the proposed hub. The area's urban character is influenced by its busy commercial environment and in this context, I do not consider that the proposed advertisements would be a discordant feature in the urban street scene.
- 21.** In respect of the levels of illumination which particularly relates to Appeal B, the proposal indicates that both screens would automatically dim at night to 600 cdm-2. The light level would fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting, commercial premises as well advertisements associated with existing bus shelters.
- 22.** Given its scale in relation to the surrounding streetscape, the proposed hub would respect and would not erode the historic form and pattern of development which is a characteristic feature and contributes to the significance of the Conservation Area. In replacing an existing unit with a

smaller footprint, I am also satisfied that the proposed hub would not lead to additional street furniture or a cluttered appearance to the street scene.

23. I am therefore satisfied that the proposal in respect of both Appeals A and B would respect the character, appearance and visual amenity of the locality and the significance of the South Shoreditch Conservation Area; it would preserve its character and appearance. It would accord with Policies D4, D8 and HC1 of the London Plan, Policies PP1, LP1 and LP3 of the Hackney Local Plan (Local Plan) as well as the National Planning Policy Framework, and in particular Sections 12 and 16, all of which amongst other matters seek high quality development which respects the local context as well as the significance of designated heritage assets.

Issue b) Public Safety

24. The location of the existing phone unit and proposed replacement hub is on the footway outside No 64 Shoreditch High Street to the south of its junction with Redchurch Street. I have taken into account the concerns expressed by Transport for London and the Council about the width of the pavement in this location, but the proposed would be a direct replacement for the existing phone unit and would have a smaller footprint than the existing. As a result, it would not in my view either lead to a proliferation of street furniture nor a reduction in the usable width of the pavement, compared with the existing. Although close to, it would not be directly outside the existing entrances and exits from the building it adjoins. There are litter bins and cycle racks in the vicinity as well as other street furniture, and the main unobstructed pedestrian thoroughfare is therefore generally reduced in this section of the High Street. Given the existing unit as well as the other street furniture in the immediate vicinity, I do not consider that the pedestrian movement would be materially compromised as a result of the introduction of the proposed hub. There would not be a concern in respect of public safety with regard to pedestrian movement.
25. The reason for refusal also refers to a concern that the proposed hub would block sight lines although this is not addressed in the Officer's report. Given the siting of the proposed hub in relation to the surrounding street pattern, I do not share this concern. The narrow road, Redchurch Street, immediately to the north of the proposed hub is a one way street leading off Shoreditch High Street and would not therefore be affected in terms of sight lines.
26. Given the level of activity in the local area, including advertisements associated with bus stops, there is no reason to consider that the introduction of the hub and its advertisements would lead to a material distraction for highway users.
27. I am therefore satisfied, that given its proposed siting and subject to conditions to control the form of the proposed advertisements as well as luminance, there would be no material harm to public safety including vehicles, pedestrians and cyclists. There would be no conflict with Policy D8 of the London Plan, and Policies PP1 and LP42 of the Local Plan in this regard.

Issue c) Crime and Anti-Social Behaviour

28. The application is supported by a Unit Management Plan which the Appellant confirms has been prepared in consultation with the Police Service and is

intended to set out the processes that would be used to identify and action any misuse and anti-social behaviour associated with the operation of the hub.

29. In raising this concern, the Council has referred to an Inspector's decision under the reference APP/X5210/W/203253878 and 2353540 where the Inspector found that the proposed hub under consideration would increase opportunities for crime and antisocial behaviour. Each proposal must be judged on its individual merits and I do not know the details of that other proposal, its location and the evidence before that Inspector.
30. Whilst I agree the importance of the issue and the objectives set out in the Local Plan, there is no evidence before me to support this contention and the basis of the concern. As indicated above the proposal is supported by a Unit Management Plan. I acknowledge that this is generic in form, and it would therefore be appropriate to impose a condition to require a bespoke management plan to be prepared and subsequently maintained, specific to this particular proposal. Indeed, the Appellant has also suggested such a condition could be imposed.
31. I am therefore satisfied that subject to the imposition of a condition to require a management plan to be approved and thereafter maintained, there would be no harm on public safety grounds, with particular reference to crime and anti-social behaviour. There would be no conflict with Policy LP1 of the Hackney Local Plan and in particular criterion xv) which states that new development *must be secure and designed to minimise crime and antisocial behaviour*.

Appeals C and D

Issue a) Character and Appearance

32. The appeal site is on the footway on the east side of Shoreditch High Street, on a bridge. There is a very marked change in character with generally older four storey buildings to the north and much taller more modern and heavily glazed developments to the south. The proposed hub would replace an existing kiosk with a static advertisement on one side.
33. The appeal site lies towards the southern edge but within the South Shoreditch Conservation Area. Its significance relates to its historic association with the furniture and printing industries which were at their height in the mid to late nineteenth century and many of the buildings from that period and associated with those industries survive and provide its distinctive character and appearance. As set out above, this part of the Conservation Area reflects the sudden and very dramatic change in scale and form of the high rise development, particularly to the immediate south but also to the east and west reflecting its City Fringe location. As a result, the eye is drawn upwards, particularly traveling in a southerly direction.
34. The proposed hub would occupy a smaller footprint than the existing and would therefore be slimmer and less bulky than the existing; it would be of a similar height. It would not therefore in my view be a more significant feature in this very urban and commercial landscape, dominated by substantial buildings. It would introduce internally illuminated advertisements, but these are not an uncommon feature in the street scene and in the Conservation Area, being

- associated with bus shelters, for example a short distance to the south of the south of the proposed hub.
35. Given its siting on the bridge, there are no buildings immediately outside of the proposed hub, just the tall brick wall of the bridge side. Given its modest scale and the generous scale of the road, I consider it would not intrude or detract from the attractive row of historic buildings on the west side of the street, which are exemplary of the buildings found within the Conservation Area.
36. In respect of the levels of illumination which particularly relates to Appeal D, the proposal indicates that both screens would automatically dim at night to 600 cdm⁻². The light level would fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting, commercial premises as well as advertisements associated with existing bus shelters.
37. Given its scale in relation to the surrounding streetscape, the proposed hub would respect and would not erode the historic form and pattern of development which is a characteristic feature and contributes to the significance of the Conservation Area. It is also sited well away from individual buildings and so would not detract from the local townscape and built form. In replacing an existing unit with a smaller footprint, I am also satisfied that it would not lead to additional street furniture or clutter.
38. I am therefore satisfied that the proposal in respect of both Appeals C and D would respect the character, appearance and visual amenity of the locality and the significance of the South Shoreditch Conservation Area; it would preserve its character and appearance. It would accord with Policies D4, D8 and HC1 of the London Plan, Policies PP1, LP1 and LP3 of the Hackney Local Plan (Local Plan) as well as the National Planning Policy Framework, and in particular Sections 12 and 16, all of which amongst other matters seek high quality development which respects and responds positively to the local context as well as the significance of designated heritage assets.

Issue b) Public Safety

39. This is a busy footway but there are no buildings opening out onto the footway in the immediate vicinity of the proposed hub. The proposed hub would occupy a smaller footprint than the existing unit and would be in line with a bus shelter slightly further to the south. Given the existing unit to be replaced and the detailed siting of the proposed hub, I do not consider that the proposal would restrict pedestrian movement. There would not be a concern in respect of public safety with regard to pedestrian movement.
40. The proposed hub would be sited on a stretch of highway with no traffic junctions or side roads in the immediate vicinity; I do not therefore agree with the Council's concern that the proposal would block lines of sight for highway users. Given the level of activity in the local area, including advertisements associated with bus stops, there is no reason to consider that the introduction of the hub and its advertisements would lead to a material distraction for highway users.

41. Transport for London have requested that the advertisement signage be restricted in terms of illumination, frequency of the advertisements changing as well as a control over moving images. I agree that these matters are appropriate to be controlled both in terms of public safety as well as visual amenity and would be the subject of conditions. The Appellant has also promoted similar conditions. Transport for London have suggested lower illumination levels than those set out under the Professional Lighting Guide referenced above. However, given the brightly lit nature of the commercial urban locality, I am not persuaded that there is any justification to require lower lighting levels.
42. I am therefore satisfied, that given its proposed siting and subject to conditions to control the form of the proposed advertisements as well as luminance, there would be no material harm to public safety including vehicles, pedestrians and cyclists. There would be no conflict with Policy D8 of the London Plan, and Policies PP1 and LP42 of the Local Plan in this regard.

Issue c) Crime and Anti-Social Behaviour

43. The application is supported by a Unit Management Plan which the Appellant confirms has been prepared in consultation with the Police Service and is intended to set out the processes that will be used to identify and action any misuse and anti-social behaviour associated with the operation of the hub.
44. In raising this concern, the Council has referred to an Inspector's decision under the reference APP/X5210/W/203253878 and 2353540 where the Inspector found that the proposed hub under consideration would increase opportunities for crime and antisocial behaviour. Each proposal must be judged on its individual merits and I do not know the details of that other proposal, its location and the evidence before that Inspector.
45. Whilst I agree the importance of the issue and the objectives set out in the Local Plan, there is no evidence before me to support this contention and the basis of the concern. As indicated above the proposal is supported by a Unit Management Plan. I acknowledge that this is generic in form, and it would therefore be appropriate to impose a condition to require a bespoke management plan to be prepared and subsequently maintained, specific to this particular proposal. Indeed, the Appellant has also suggested such a condition to be imposed.
46. I am therefore satisfied that subject to the imposition of a condition to require a management plan to be approved and thereafter maintained, there would be no harm on public safety grounds, with particular reference to crime and anti-social behaviour. There would be no conflict with Policy LP1 of the Hackney Local Plan and in particular criterion xv) which states that new development must *be secure and designed to minimise crime and antisocial behaviour*.

Other Considerations

47. The Hackney Society Planning Group has made suggestions about the form of the replacement advertising board. However, my determination must necessarily be on the basis of the proposal before me.

Appeals E and F

Issue a) Character and Appearance

48. The appeal site is on the south side of Great Eastern Street (A501) in the section of footway between the side streets of Tabernacle Street and Paul Street to the east and Singer Street to the west. It is a very busy, mixed use urban scene with commercial, service and residential buildings in close vicinity, and three lanes of traffic in both directions along the main road. The proposed hub would replace an existing phone unit with a non-illuminated and static advert. In close vicinity there are two phone boxes, side by side, but these would appear to be under a different operator and unrelated to the appeal before me.
49. The appeal site lies on the very north-western edge but within the South Shoreditch Conservation Area. The significance of the Conservation Area relates to its historic association with the furniture and printing industries which were at their height in the mid to late nineteenth century and many of the buildings from that period and associated with those industries survive and provide its distinctive character and appearance.
50. The traditional buildings along Great Eastern Street are 3 and 4 storeys in height with more recent buildings being considerably higher, and particular the new multi storey hotel building under construction on the junction of Old Street / Great Eastern Street to the immediate east of the site dominates street scene views.
51. The proposed hub would occupy a smaller footprint than the existing and would therefore be slimmer and less bulky than the existing; it would be of a similar height. It would not therefore in my view be a more significant feature in this very urban landscape, dominated by substantial buildings. It would introduce internally illuminated advertisements, but these are not an uncommon feature in the commercial street scene and in the Conservation Area, being associated with bus shelters.
52. In respect of the levels of illumination which particularly relates to Appeal F, the proposal indicates that both screens would automatically dim at night to 600 cdm-2. The light level would fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting, commercial premises as well advertisements associated with existing bus shelters.
53. Given its scale in relation to the surrounding streetscape, the proposed hub would respect and would not erode the historic form and pattern of development which is a characteristic feature and contributes to the significance of the Conservation Area. In replacing an existing unit with a smaller footprint, I am also satisfied that it would not lead to additional street furniture or a cluttered appearance to the street scene.
54. I am therefore satisfied that the proposal in respect of both Appeals E and F would respect the character, appearance and visual amenity of the locality and the significance of the South Shoreditch Conservation Area; it would preserve

its character and appearance. It would accord with Policies D4, D8 and HC1 of the London Plan, Policies PP1, LP1 and LP3 of the Hackney Local Plan (Local Plan) as well as the National Planning Policy Framework, and in particular Sections 12 and 16, all of which amongst other matters seek high quality development which respects and responds positively to the local context as well as the significance of designated heritage assets.

Issue c) Crime and Anti-Social Behaviour

55. The application is supported by a Unit Management Plan which the Appellant confirms has been prepared in consultation with the Police Service and is intended to set out the processes that will be used to identify and action any misuse and anti-social behaviour associated with the operation of the hub.
56. In raising this concern, the Council has referred to an Inspector's decision under the reference APP/X5210/W/203253878 and 2353540 where the Inspector found that the proposed hub under consideration would increase opportunities for crime and antisocial behaviour. Each proposal must be judged on its individual merits and I do not know the details of that other proposal, its location and the evidence before that Inspector.
57. Whilst I agree the importance of the issue and the objectives set out in the Local Plan, there is no evidence before me to support this contention and the basis of the concern. As indicated above the proposal is supported by a Unit Management Plan. I acknowledge that this is generic in form, and it would therefore be appropriate to impose a condition to require a bespoke management plan to be prepared and subsequently maintained, specific to this particular proposal. Indeed, the Appellant has also suggested such a condition to be imposed.
58. I am therefore satisfied that subject to the imposition of a condition to require a management plan to be approved and thereafter maintained, there would be no harm on public safety grounds, with particular reference to crime and anti-social behaviour. There would be no conflict with Policy LP1 of the Hackney Local Plan and in particular criterion xv) which states that new development *must be secure and designed to minimise crime and antisocial behaviour*.

Other Considerations

59. In Appeals E and F, the Council did not raise a reason for refusal on public safety grounds. From all the information before me as well as my site visit, I have no reason to take a different view. However, I consider that conditions should be imposed particularly relating to the form and luminance of the advertisements to ensure that public safety is protected.

Appeals G and H

Issue a) Character and Appearance

60. The appeal site is on the northern side of Old Street, just to the west of No 239 Old Street, on a very wide expanse of footway. The urban environment of the surrounding large buildings together with the wide and busy road, as well as the large expanse of paved area is softened by a number of street trees. There

is an existing phone unit with a non-illuminated advertisement panel and the proposed unit would be just to its immediate south, closer to the kerb.

61. The proposed hub would replace the existing unit, slightly closer to the kerb edge. Although it would be more solid in form than the existing unit, it would be slimmer in profile and there would be very limited difference in the height. In the context of the very wide and busy road and the urban landscape, with a range of buildings and large expanse of footway, the proposed unit would appear as a very modest addition to the street scene, particularly once account is taken of the removal of the existing unit. I do not consider in terms of visual amenity, the re-siting of the proposed unit closer to the kerb edge would have any material impact.
62. The site does not lie within the South Shoreditch Conservation Area, the western edge of which incorporates the junction of Old Street with Great Eastern Road. The significance of the Conservation Area primarily relates to the area's historic association with the furniture and printing industries which is reflected in many of the buildings and street scape still seen today, particularly the four and five storey former retail and warehouse buildings, interspersed with smaller buildings. In terms of the street scene, there is a very distinct difference between the more modest built form on the south side of Old Street /Great Eastern Road and the north side where the hub would be sited. Given the modest nature of the proposed hub in the context of the very urban landscape at this edge of the Conservation Area, I consider that the proposed hub would have no material effect on the setting of the Conservation Area. The setting of the South Shoreditch Conservation Area would be preserved.
63. There are other examples of internally illuminated signs and advertisements in the local area, and as a result the addition of the illuminated advertisement would not be out of character with the local area. In respect of the levels of illumination which particularly relates to Appeal H, the proposal indicates that the main screen would automatically dim at night to 600 cdm-2. The light level would fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting, commercial premises as well as advertisements associated with existing bus shelters.
64. Transport for London has raised a concern regarding the proximity of the proposed hub to one of its street trees. However, in proposing its siting closer to the kerb line, the proposed hub would be moved further away from , and in my view, clear of the street tree, particularly compared with the existing hub.
65. I am therefore satisfied that the proposed hub in respects of Appeals G and H would respect the character, appearance and visual amenity of the locality and would preserve the setting of the South Shoreditch Conservation Area. It would accord with Policies D4 and D8 of the London Plan, Policies PP1 and LP1 of the Hackney Local Plan (Local Plan) as well as the National Planning Policy Framework, and in particular Sections 12 and 16, all of which amongst other matters seek high quality development which respects and responds positively to the local context as well as the significance of designated heritage assets, including their setting.

Issue b) Public Safety

66. Given that the proposed hub would replace an existing unit which has a larger footprint than the proposed, I do not agree with the Council's contention that the proposal would result in the additional proliferation of street furniture. Furthermore, this is a very generous expanse of footway and I am satisfied that there would be no material impact on pedestrian movement. There would not be a concern in respect of public safety with regard to pedestrian movement.
67. There is a dedicated cycleway on the highway adjacent the north side of Old Street and this would be unaffected by the proposal. The reason for refusal in respect of public safety refers to the development blocking lines of sight for highway users, although the Council has produced no detailed evidence to explain their concerns, and it was also not raised by Transport for London in its response. Furthermore, the proposal is some distance from a signalised junction with no side roads in the immediate vicinity, I do not consider that there would be any material concerns in this regard.
68. There is also no evidence before me to amplify the concern that the hub with its advertisement would be a distraction to road users. The main advertisement panel would face towards the oncoming traffic, but given the very busy nature of the road and the range of activities and signage in the vicinity, I see no reason why the addition of the proposed hub would result in a distraction which would lead to a refusal of permission and consent.
69. Concerns have been raised by consultees that the proposed siting so close to the kerb edge could impede safe crossing. However, there are signalised crossing points relatively close by for crossing of this very busy road, and they would not be affected by the proposal.
70. I am therefore satisfied that there would be no material harm on grounds of public safety, including in respect of pedestrians, cyclists and road users. There would be no conflict with Policy D8 of the London Plan and Policy PP1 and LP42 of the Hackney Local Plan in so far as they relate to public safety issues.

Issue c) Crime and Anti-Social Behaviour

71. The application is supported by a Unit Management Plan which the Appellant confirms has been prepared in consultation with the Police Service and is intended to set out the processes that will be used to identify and action any misuse and anti-social behaviour associated with the operation of the hub.
72. In raising this concern, the Council has referred to an Inspector's decision under the reference APP/X5210/W/203253878 and 2353540 where the Inspector found that the proposed hub under consideration would increase opportunities for crime and antisocial behaviour. Each proposal must be judged on its individual merits and I do not know the details of that other proposal, its location and the evidence before that Inspector.
73. Whilst I agree the importance of the issue and the objectives set out in the Local Plan, there is no evidence before me to support this contention and the basis of the concern. As indicated above the proposal is supported by a Unit Management Plan. I acknowledge that this is generic in form, and it would

therefore be appropriate to impose a condition to require a bespoke management plan to be prepared and subsequently maintained, specific to this particular proposal. Indeed, the Appellant has also suggested such a condition to be imposed.

74. I am therefore satisfied that subject to the imposition of a condition to require a management plan to be approved and thereafter maintained, there would be no harm on public safety grounds, with particular reference to crime and anti-social behaviour. There would be no conflict with Policy LP1 of the Hackney Local Plan and in particular criterion xv) which states that new development *must be secure and designed to minimise crime and antisocial behaviour*.

Other Considerations

75. The Hackney Society Planning Group has made suggestions about the form of the replacement advertising board in respect of some of the proposals. However, my determination must necessarily be on the basis of the proposal before me.

Conditions

Appeals A – H inclusive

76. The Council has not proposed any conditions in respect of any of the appeals. The Appellant has indicated that matters pertaining to the advertisement appeal with regard to speed of change between adverts and illumination can be controlled through appropriate conditions and has itself promoted a number of conditions.
77. In respect of the planning permission for the replacement hub, and in addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. I have noted that none of the plans are numbered and a number of the plans with dimensions and showing the Concept proposals are generic, but in the absence of any more specific information relating to each of the proposals, I have necessarily included them in the approved plans.
78. The Appellant has produced a Street Hub Anti-Social Behaviour Management Plan. However, and as identified in the Plan, this is also generic and I consider that a bespoke Plan should be prepared for each of the proposed hubs in the interests of public safety.
79. In respect of Appeal G, the replacement hub would be on a slightly different siting to the existing hub and in the interests of visual amenity and public safety, I therefore consider it necessary to impose a condition requiring the removal of the existing box and the reinstatement of the pavement before the replacement hub and its integral advertisements is brought into operation.
80. Although the proposed removal of the existing phone box in Appeals A, C and E would be required in order to install the new hub, the proposed removal is not explicitly covered in the description of development. For the avoidance of doubt and in the interests of visual amenity and public safety, I therefore consider it necessary to impose a condition requiring the removal of each of the existing boxes and the reinstatement of the pavement before each of the replacement

hubs and integral advertisements is brought into operation. In respect of Appeal C, an additional hub is proposed for removal and I have included that in the same condition. The address of this additional phone box to be removed is given as Junction of North Folgate and Worship Street, whereas I consider that this should be more precisely described as Junction of Norton Folgate and Principal Place.

81. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. In addition, in the interests of visual amenity and public safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary.
82. Although these conditions have not been seen by the Appellant, I am satisfied that they broadly follow those proposed by the Appellant and that no party would be prejudiced by their imposition.

Conclusion

83. For the reasons given above and having regard to all other matters raised, I conclude that Appeals A and B, C and D, E and F and G and H should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

Conditions in relation to Appeal A: Ref: APP/U5360/W/22/3311571

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 in accordance with the following approved plans: Site Plan Site C 1:1250 @A4; Site Plan C 1:200@A4; Existing and Proposed Hub x 2; Communication Hub Unit; Comparison Elevations; Footprint Reduction.
3. Prior to the hub and integral advertisements hereby permitted and consented first being operated, the existing phone box on the pavement outside 64 Shoreditch High Street, Hackney, E1 6JJ shall have been removed and the pavement reinstated.
4. Prior to the hub and integral advertisements hereby permitted and consented first being operated, a management plan shall be submitted to and approved in writing by the Local Planning Authority concerning the use and operation of the hub, with particular reference to the avoidance of anti-social behaviour. The hub shall thereafter be operated in accordance with the agreed management plan.

Additional Conditions in relation to Advertisement Consent under Appeal B: Ref: APP/U5360/H/22/3311572

5. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
6. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
7. The minimum display time for each piece of content on the digital display screens shall be 10 seconds and the rate of change shall be instantaneous and the display will include a mechanism to freeze the image in the event of a malfunction.
8. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.
9. No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

Conditions in relation to Appeal C: Ref: APP/U5360/W/22/3311573

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 in accordance with the following approved plans: Site Plan Site D 1:1250 @A4; Site Plan D 1:200@A4; Existing and Proposed Hub x 2; Removal – Junction of North Folgate & Worship Street; Communication Hub Unit; Comparison Elevations; Footprint Reduction.
3. Prior to the hub and integral advertisements hereby permitted and consented first being operated, the existing phone boxes on the pavement outside 20A Shoreditch High Street, Hackney, E1 6PG and on the corner of Norton Folgate and Principal Place (as shown on the plan referenced Removal – Junction of North Folgate & Worship Street) shall have both been removed and the pavement reinstated.
4. Prior to the hub and integral advertisements hereby permitted and consented first being operated, a management plan shall be submitted to and approved in writing by the Local Planning Authority concerning the use and operation of the hub, with particular reference to the avoidance of anti-social behaviour. The hub shall thereafter be operated in accordance with the agreed management plan.

Additional Conditions in relation to Advertisement Consent under Appeal D: Ref: APP/U5360/H/22/3311574

5. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
6. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
7. The minimum display time for each piece of content on the digital display screens shall be 10 seconds and the rate of change shall be instantaneous and the display will include a mechanism to freeze the image in the event of a malfunction.
8. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.
9. No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

Conditions in relation to Appeal E: Ref: APP/U5360/W/22/3311575

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 in accordance with the following approved plans: Site Plan Site E 1:1250 @A4; Site Plan E 1:200@A4; Existing and Proposed Hub x 2; Communication Hub Unit; Comparison Elevations; Footprint Reduction.
3. Prior to the hub and integral advertisements hereby permitted and consented first being operated, the existing phone box on the pavement outside 107 Great Eastern Street, Hackney EC2A 3JD shall have been removed and the pavement reinstated.
4. Prior to the hub and integral advertisements hereby permitted and consented first being operated, a management plan shall be submitted to and approved in writing by the Local Planning Authority concerning the use and operation of the hub, with particular reference to the avoidance of anti-social behaviour. The hub shall thereafter be operated in accordance with the agreed management plan.

Additional Conditions in relation to Advertisement Consent under Appeal F: Ref: APP/U5360/H/22/3311576

5. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.

6. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
7. The minimum display time for each piece of content on the digital display screens shall be 10 seconds and the rate of change shall be instantaneous and the display will include a mechanism to freeze the image in the event of a malfunction.
8. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.
9. No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.

Conditions in relation to Appeal G: Ref: APP/U5360/W/22/3311578

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 in accordance with the following approved plans: Site Plan Site F 1:1250 @A4; Site Plan F 1:200@A4; Existing and Proposed Hub x 2; Communication Hub Unit; Comparison Elevations; Footprint Reduction.
3. Prior to the hub and integral advertisements hereby permitted and consented first being operated, the existing phone box on the pavement outside 239 Old Street, Hackney N1 6HJ shall have been removed and the pavement reinstated.
4. Prior to the hub and integral advertisements hereby permitted and consented first being operated, a management plan shall be submitted to and approved in writing by the Local Planning Authority concerning the use and operation of the hub, with particular reference to the avoidance of anti-social behaviour. The hub shall thereafter be operated in accordance with the agreed management plan.

Additional Conditions in relation to Advertisement Consent under Appeal H: Ref: APP/U5360/H/22/3311579

5. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
6. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
7. The minimum display time for each piece of content on the digital display screens shall be 10 seconds and the rate of change shall be instantaneous

and the display will include a mechanism to freeze the image in the event of a malfunction.

8. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.
9. No content on the digital display screens shall resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.