



Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal A Ref: APP/V5570/W/22/3309120

Pavement on Old Street o/s 106 St Lukes Close, London, EC1V 9AY

- 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 the Council of the London Borough of Islington.
 - The application Ref P2022/0051/FUL, dated 24 December 2021, was refused by notice dated 24 August 2022.
 - The development is for the proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/V5570/H/22/3309121

Pavement on Old Street o/s 106 St Lukes Close, London, EC1V 9AY

- 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 the Council of the London Borough of Islington.
 - The application Ref P2022/0082/ADV, dated 24 December 2021, was refused by notice dated 24 August 2022.
 - The advertisements proposed are described as "2no. digital 75" LCD display screens, one on each side of the Street Hub unit".
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) at the pavement on Old Street o/s 106 St Luke's Close, London EC1V 9AY in accordance with the terms of the application, Ref P2022/0051/FUL, dated 24 December 2021, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and express consent is granted for 2no. digital 75" LCD display screens, one on each side of the Street Hub unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Preliminary Matters

3. There are 2 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 merits, I have dealt with both in a single decision letter.
4. Since the determination of the planning application the Council have adopted the Islington Local Plan Strategic and Development Management Policies September 2023 (SDMP), whose policies supersede the Islington Development Management Policies (2013) referenced within the Decision Notice. I have therefore determined the appeal with the newly adopted policies in mind.

Main Issues

5. The main issue in respect of Appeal A is the effect of the proposal upon highway and pedestrian safety. The main issue in respect of Appeal B is the effect of the proposed advertisements on public safety.

Reasons

6. The Street Hub containing the proposed advertisements would be positioned at the front of the pavement, near the carriageway, and this appears to be generally where other street furniture is located in this area. Similar to the existing telephone kiosks on site, the new advertisement would be orientated towards motorists travelling along Old Street in broadly easterly or westerly directions. This is a straight stretch of road, and this would allow drivers approaching from this direction time to register the proposed development and new form of advertising at the site.
7. I have carefully considered the concerns of the Council and Transport for London with regards to the bright illumination of the adverts and change of display distracting drivers and increasing the risk of collision between vehicles, cyclists and pedestrians. However, I have not been provided with any accident data to support the issues raised, or to suggest that there are public safety matters locally. I saw at my visit that there is good visibility along this stretch of Old Street, with other similar street furniture nearby in the form of Hubs and bus stop advertising panels. To my mind, in this context the Hub and advertising would not exacerbate highway or public safety.
8. Moreover, the area is currently well-lit and there are other sources of illumination nearby. This would reduce the contrast between the adverts and their surroundings making them less prominent. The adverts would also be of a modest size, similar to others in the area. Most importantly, both the illumination of the adverts and frequency in the change of their displays can be controlled by condition. Therefore, provided that other effects that can cause distraction, such as flashing lights and moving elements within the display, are also controlled by condition, in respect of Appeal B, I conclude that the proposal would not compromise public safety.
9. Given the relatively uncluttered character of this ribbon of pavement, there would be ample space for pedestrians to pass freely, including people using wheelchairs or with prams. Also, the proposed Hub would not present greater hindrance to disabled people, nor would it create an additional obstruction for those who are visually impaired. Consequently, the Hub would not noticeably alter or restrict pedestrians' sightlines of the footway or the adjacent

carriageway, and I am satisfied that the proposal would not have an unacceptable impact on existing pedestrian flows in this location and would not be detrimental to the promotion of walking.

10. As such, with regard to Appeal A I conclude that the proposal would not cause material harm to highway and pedestrian safety. It would meet Policy T4 of the SDMP and Policy T2 of the London Plan 2021, which together attempt to encourage walking, cycling and public transport use by ensuring the public realm provides for the safety and convenience of all users.
11. In terms of Appeal B, and in accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy DH6 of the SDMP seeks to ensure advertisements are well-designed and well-integrated within the public realm. As such, this is a material consideration insofar as it relates to this appeal.
12. I conclude, therefore, that the advertisement would not have a harmful effect on public safety. The scheme would meet with the objectives of the above policy.

Other Matters

13. The Council is satisfied that the proposal would not harm the wider character and appearance of the St Luke's Conservation Area within which the site is located. I have no reason to disagree given my findings expressed as they are in relation to Policies DH1 and DH2 of the SDMP, and therefore I am also satisfied that the significance of the heritage asset would be unharmed.

Conditions

14. For Appeal A, I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with those proposed in the application particulars would provide for a satisfactory appearance.
15. To protect the character and appearance of the area and the function of the public realm, it is also necessary to impose a condition requiring the existing telephone kiosk close to the appeal site to be removed and the footpath reinstated before the Street Hub is installed. As this is clearly stated to be part of the proposal in the appellant's statement of case and forms part of the description of the development, it is not necessary to have this pre-commencement condition agreed by the appellant.
16. Conditions preventing the obstruction of the highway and in respect of the submitted Anti-Social Behaviour Management Plan are required to protect highway safety and minimise the potential for criminality.
17. For Appeal B, a series of standard conditions are applied as required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, including limiting the consent to five years. In addition, while the maximum levels of illumination proposed by the Council are below the maximum permitted recommended luminance set out at Table 4 of the Institute of Lighting Professionals (ILP) Professional Lighting Guide 05, given the proximity of the adverts to the kerblines and the need for

drivers to take more care on this busy thoroughfare, they are necessary. I have therefore restricted the intensity of the illumination of the adverts.

18. Also, to further ensure highway safety is not compromised it is necessary to impose conditions controlling the frequency of change in display of the proposed adverts, as well as to restrict other visual effects that could cause a distraction to drivers.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B are allowed.

C Hall

INSPECTOR

Schedule of conditions (Appeal A)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A site location maps, 002A proposed site plan, 003A proposed elevations
- 3) The external finishes of the development hereby permitted shall be constructed in accordance with the materials identified in the application form and approved drawings and shall be retained thereafter.
- 4) No development shall take place until the existing telephone box at the site (E532378, N182391) has been removed and the footpath reinstated.
- 5) The footway and carriageway on the Transport for London Road Network and Strategic Road Network must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic.
- 6) Notwithstanding the approved plans, the development must at all times whilst operational comply with the agreed BT InLink Anti-Social Behaviour Management Plan and the development will be installed with full functionality and thereafter maintained.

Any and all inappropriate use shall be dealt with by the management plan based on the following:

- The agreed management plan v2 is to be followed and not altered without prior approval of the Metropolitan Police Service (MPS) Designing out crime team.

- This device must also include the algorithm as agreed by BT and the MPS. The algorithm 'threshold' must not be altered without prior approval of the MPS designing out crime team.
- Assessment of numbers to be blocked must take place at the agreed minimum of twice a week until such time as an automated system is put in place.
- Should the free call to mobile facility be deemed to be a solution to an identified problem then this facility must be removed, and a review completed.

Schedule of conditions (Appeal B)

- 1) The advertisements permitted by this consent shall be carried out in accordance with the following approved plans: 001A site location maps, 002A proposed site plan, 003A proposed elevations
- 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 cd/m² between dusk and dawn and no greater than 600 cd/m² at all other times.
- 3) The minimum time between successive displayed images of the advertisements permitted by this consent shall be 10 seconds and any sequential change between advertisements will take place over a period no greater than 1 second.
- 4) The advertisements permitted by this consent shall have no special effects (including noise, smell, smoke animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind.
- 5) The advertisements permitted by this consent shall have no visual effects of any kind to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.