

Appeal Decision

Site visit made on 21 September 2023

by Martin Andrews MA(Planning) BSc (Econ) DipTP & DipTP (Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal A Ref: APP/K5030/W/22/3301293

Pavement o/s HSBC, 60 Queen Victoria Street, London EC4N 4TZ

- 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 City of London Council.
 - The application, Ref. 21/01083/FULL, dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The development proposed is the installation of 1 no. 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/22/3301297

Pavement o/s HSBC, 60 Queen Victoria Street, London EC4N 4TZ

- 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 City of London Council.
 - The application Ref. 21/01084/ADVT dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed is the installation and display of 2 no. digital 75" LCD screens, one on each side of the Street Hub unit.
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Decision: Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1 no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s) at the Pavement o/s HSBC, 60 Queen Victoria Street, London EC4N 4TZ in accordance with the terms of the application, Ref. 21/01083/FULL, dated 30 November 2021, subject to the conditions in the attached Schedule.

Decision: Appeal B

2. The appeal is allowed and express consent is granted for the installation and display of 2 no. digital 75" LCD 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 to the additional conditions in the attached Schedule.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed Street Hub. Appeal B is in respect of the refusal of advertisement consent for the LCD
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advert screens. I have dealt with the appeals on their individual merits, but as the advert screens are an integral part of the Hub it is both convenient and appropriate to consider the appeals and their main issues together. In the case of Appeal B, I have used the description on the Council's Notice of Refusal as it relates directly to the advertising as opposed to the development as a whole referred to on the application form.

4. Paragraph 114 of the National Planning Policy Framework 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
5. Paragraph 118 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system. I have had regard to these statements of Government policy in the Framework and considered them in conjunction with the policies of City of London Local Plan 2015 and the London Plan cited by the Council in its Decision on the applications in this appeal. These are Local Plan Policies CS2, CS10, CS12, CS16, DM10.1, DM10.4, DM10.6, DM10.8, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D5, D8, HC1 & T2.
6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the more restrictive form of the development plan policies clearly necessitates a balanced decision. However, in my view it is the specifics of the site's characteristics and the extent to which the proposed equipment would be in keeping with its surroundings that are primarily the determinative factors in the appeal. In this context I have factored into the appraisal of the appeals my view firstly that the Street Hub is not in itself a poor design as the Council alleges and secondly that the benefit to the street scene of the associated removal of the existing kiosks is of material weight.

Main Issues

7. The main issues are (i) the effect of the proposed Street Hub and its advertising screens on visual amenity and the character and appearance of the area, including designated Heritage Assets and (ii) the effect on public safety and convenience.

Reasons

8. On the first issue, the proposed Street Hub would be on a site that forms part of the setting of the Grade II listed 68-72 Queen Victoria Street and Albert Buildings. However, the position selected is one of the broader as opposed to immediate setting of these and other nearby heritage assets and the site lies outside of the Bow Lane Conservation Area. Having carefully assessed the proposal I do not regard the visual relationship of the proposed Street Hub with any of the heritage assets in this case would be such that it would be interpreted by any passer-by as causing harm.
9. This is because any perceptions of the Street Hub's visual impact would be influenced to a far greater degree by its much closer physical relationship with

the overtly modern design of No. 60. The bulk and height of the supporting steel pillars of the building's entrance canopy dominate the street corner and would effectively dwarf the Hub and draw the eye away from it towards the building.

10. The building's frontage along this flank of the building stretches along the street past the bus shelter and is comprised of plate glass sections more than twice the height of the proposed Street Hub with signage in the form of three large horizontal HSBC UK signs and the associated logo. There is also internally illuminated supplementary advertising visible through the windows. There is a modern building on the opposite side of the street but of contrasting design and materials and overall, this has a neutral effect in the appraisal.
11. Because of the immediate proximity of No. 60, the existing two BT kiosks appear somewhat incongruous. And also taking into account the adverse impact of their dilapidated appearance, their proposed replacement by the proposed Street Hub would be of benefit to visual amenity and be more in keeping with the adjacent No. 60.
12. In this regard I saw that at the frontage of three of the other end-buildings on the opposite side of the junction there were commercial premises with prominent advertising signage. On the section of pavement outside No. 60, both the large supporting pillars of the entrance canopy to No. 60 and the presence of the nearby bus shelter would offset any perception of the Street Hub appearing isolated and thereby unduly prominent.
13. On this issue I find therefore that there would be no harm caused to visual amenity and the character and appearance of the area, including designated Heritage Assets. Accordingly, there would be no harmful conflict with the development plan referred to in paragraph 5 above; the City Public Realm Supplementary Planning Document: 'People, Places, Projects', or with Government policy in the Framework taken as a whole.
14. On the second issue, the Council is concerned that safety concerns arise from the proposed Street Hub's proximity to the road and its obstruction of pedestrian flows. However, the Street Hub is only marginally wider than the existing BT kiosks and would have a much smaller footprint than the pair.
15. The nearest part of the road is a bus lane with vehicles moving away from rather than towards the junction. Accordingly, I see no reason why the Street Hub would have any bearing on pedestrian / vehicle conflict or their inter-visibility, or indeed why the drivers of buses and taxis would be distracted by advertising. I note that TfL does not object to the proposal.
16. In terms of pedestrian flow, because of its marginally greater width combined with much smaller footprint the Street Hub would be less of an obstruction than the existing two kiosks. In addition, the site is in a position close to where the pavement widens to turn the corner and pass under the large canopy at the entrance to No. 60. Furthermore, from my observations at a busy time of day and of the surrounding land uses it would appear unlikely that this section of pavement is ever subject to a density of movement whereby obstruction would occur with any harmful effects.

17. In summary on this issue, I conclude that there would be no materially adverse effect on public safety and convenience in conflict with the aforementioned development plan policies or Government policy in the Framework.

Conclusion and Conditions

18. As on both main issues I have on balance found in favour of the appellant's case, Appeals A and B are allowed and permission / consent granted in the terms set out in paragraphs 1 and 2 above and subject to the conditions in the attached Schedule.
19. As regards Appeal A, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. To maintain visual amenity conditions are also required to ensure the removal of the existing BT Payphone kiosks and to ensure the pavement surface is made good, including adjacent to the Street Hub. A condition requiring the removal of the Street Hubs if and when they cease to operate will prevent a recurrence of redundant telecoms equipment blighting the street scene.
20. In respect of Appeal B, conditions are needed to regulate the displays to safeguard residential amenity and maintain highway safety.

Martin Andrews

INSPECTOR

APPEAL A: CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: Site Location Map: 001 Rev. A; Proposed Site Plan: 002 Rev. A; Existing and Proposed Elevations: 003 Rev. A.
- 3) All surface materials shall match the existing adjacent surface materials in accordance with details first agreed in writing with the Local Planning Authority.
- 4) Within three months of the commencement of the development, the existing BT payphones specified for removal in the application shall be removed in their entirety and the land made good to the same condition as the adjacent land.
- 5) The Street Hub hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

APPEAL B: CONDITIONS (Additional to the 5 standard conditions in Part 5, Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [S.I. 2007 No. 783])

- 1) 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 Professionals 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 2) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- 4) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction;
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.