

Appeal Decision

Site visit made on 5 October 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/22/3301224

Pavement triangle of Cheapside, Opposite St Paul's Underground Station, London EC2V 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications plc, against the decision of the City of London Council.
 - The application, Ref. 21/01075/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/22/3301225

Pavement triangle of Cheapside, Opposite St Paul's Underground Station, London EC2V 6AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc, against the decision of the City of London Council.
 - The application Ref. 21/01076/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 kiosks on the pavement triangle of Cheapside, Opposite St Paul's Underground Station, London EC2V 6AA in accordance with the terms of the application, Ref. 21/01075/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.
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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 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. 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.
5. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of the City of London Local Plan and the London Plan cited by the Council in its Decision on the applications. These are Local Plan Policies CS2, CS10, CS12, DM10.1, DM10.4, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D8 and HC1.
6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the much 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 appeals. 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. The appeal site is on the Cheapside traffic island to the north of the western entrance of St Paul's underground station. The area forms part of a gyratory system for major routes and facilitates access by pedestrians across the road to a range of retail facilities and office buildings on all sides. The island presently accommodates two raised flower beds, three BT Payphone kiosks and other items of street furniture. There is a large steel framework above the main

pedestrian area, and I assume this is the basis of the 'pavilion' referred to in the officer's report.

9. On the first issue, the Council's Notice of Refusal for Appeal A refers to the likely prominence of the Street Hub and states that it would be an obtrusive feature in the approaches to a number of listed buildings and views into two nearby conservation areas (CA's), these being St Paul's Cathedral CA and Postmans Park CA. Amongst the listed buildings is the Grade I listed Cathedral.
10. Clearly if such an effect were to be materially harmful this would in itself be tantamount to justification for a rejection of the appeal applications, the removal of existing kiosks notwithstanding. However, I am minded to agree with the Inspector's view in the advertisement appeal (Ref. APP/K5030/H/18/3211267) on this site that *'Given the significant and imposing scale of St Paul's Cathedral and Christchurch Greyfriars, such items of street furniture do not detract from their significance or setting. Further, given their distance from the appeal site and the presence of intervening contemporary buildings, I find that the proposal would not have any material impact on their setting'*.
11. With its central position the traffic island is something of a focal point in the views along a number of roads and footpaths and the eye is presently drawn to the three existing BT kiosks, which with their cumulative effect have a particularly harmful visual impact. The replacement Street Hub in this location would mean that in aesthetic terms there would be a significant improvement. This is in part countered in that advertisements would have the disadvantages to the street scene of being positioned well away from the signage and illumination of the commercial premises around the gyratory.
12. However, the site plan shows that the Street Hub would cover a far smaller footprint than the existing three kiosks, whilst with just the two sides illuminated it would only be partially seen from a number of vantage points in the area because of the oblique angles of the sightlines. And to the extent the site would be visible the aforementioned removal of all three of the unsightly BT kiosks to be replaced by the modern design of the Street Hub would be a significant advantage of the proposal.
13. There are three additional factors that weigh in favour of the Street Hub in this location and position. The grounds of appeal include in Image 5 a photograph of the immense extent of illumination after dusk in the multi-storey building on the northeast side of the junction (the opposite side from the underground station). I acknowledge this is quite different to advertising panels on street furniture, but in terms of its scale and impact on the street scene it nonetheless provides a sense of proportion to the Street Hub's likely impact.
14. Similarly, the existing steel framework above this part of the island and above the site proposed for the Street Hub would have the effect of mitigating the stand-alone appearance of the equipment and providing a favourable perception as regards height. I am also of the view that both with its proximity to the underground station and to St Paul's Cathedral being a major site for tourists, the public benefits of the Street Hub, such as wayfinding, phone charging and other information are likely to be particularly useful.
15. On the second issue, the Council considers that the Street Hub would cause an obstruction to the pedestrians who walk across the traffic island. However, the

equipment would be positioned close to one of the raised flower beds and the width of the walkway between the two roads is generous to the point where in my view there would be no possibility of any obstruction occurring. Nor do I consider that with the siting proposed the advertisement displays would be of a size or proximity to the roads whereby they would be a distraction to drivers.

16. Overall, I find that there would be no harmful conflict in this case with the aforementioned development plan policies; the City Public Realm Supplementary Planning Document: 'People, Places, Projects', or with Government policy in the Framework taken as a whole. To the extent that the Street Hub would cause less than substantial harm to the heritage assets, this would be clearly outweighed by its public benefits to which I have referred.

Conclusion and Conditions

17. 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.
18. 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.
19. 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.