

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/22/3301229

Pavement o/s 320 High Holborn, London WC1V 7PU

- 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. 21/01056/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/22/3301230

Pavement o/s 320 High Holborn, London WC1V 7PU

- 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. 21/01057/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 320 High Holborn, London WC1V 7PU in accordance with the terms of the application, Ref. 21/01056/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 Government policy in the National Planning Policy Framework 2023 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 statements of Government policy in the Framework and considered them in conjunction with the policies of 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, DM17.1 and London Plan Policies D4, 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 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 or appearance of the area, including the effect on the significance of designated heritage assets and (ii) the effect on public safety and convenience.

Reasons

8. On the first issue, the Council considers that the proposed Street Hub unit on the site selected would be unduly prominent and harm the townscape by adding clutter to the street scene. Furthermore, it would have an adverse effect on the settings of the nearby Conservation Area and two Grade II Listed Buildings.
9. However, I saw on my visit that this section of High Holborn comprises a busy retail and commercial environment with a miscellany of shopfronts and frontages of banks, cafes and other commercial uses. This is the case for both sides of the road but the immediate setting for the Street Hub is the canopy of the adjacent building of No. 320 /322 with its large supporting pillars and

creating a colonnade. Barclays Bank, the M & S Foodhall and Pret A Manger present particularly long and prominent frontages to the street with large signage and are indicative of the overtly commercial character and appearance of the area.

10. The size of the proposed Street Hub would be perceived in the context of the nearby canopy pillars, with these in turn supporting the bulky canopy. And the equipment's advertising screens would be seen against the large-scale window displays of the shops. Given these factors I do not consider that the Street Hub would draw the eye as an intrusive or excessively commercial feature in High Holborn, even allowing for its kerbside position.
11. Furthermore, the Street Hub's visual impact would to some degree be mitigated by the presence of the nearby bus stop /shelter and entrance to Chancery Lane underground station together with existing street clutter in the form of lighting poles and cycle racks. The removal of the existing dilapidated BT kiosk, as in all these cases, is an important consideration in favour of the scheme.
12. As regards the effect of the proposed Street Hub on designated heritage assets, the Council's concern is that it would cause less than substantial harm to the settings of the nearby Chancery Lane Conservation Area; the Grade II Listed Gray's Inn gatehouse and Cittie of York Public House. However, the January 2020 advertisement consent for an Inlink Unit granted in appeal ref. APP/K5030/Z/18/3211426 is relevant.
13. In their decision, the Inspector found that although within the setting of the listed buildings, given the Inlink design and the nature of the advertisements together with the separation distance from these heritage assets, its effects on their character would be neutral. The illumination would not be to a level that would detract from their lighting. In addition, the Inspector concluded that whilst the unit and its displays would be visible from some parts of the conservation area, it would be viewed against a commercial setting with other advertisements on relatively modern buildings also visible.
14. I acknowledge that compared with the Inlink the Council regard the increased size of the Street Hub and its different design as being more harmful, but I do not consider that either of these differences to be sufficiently material for me to take a different view to that of the Inspector in this advertisement appeal decision. Accordingly, I conclude that no harm would be caused to the setting and significance of the listed buildings and that of the Conservation Area, the character and appearance of which would therefore be preserved.
15. On the second issue the Council argues that would be an unacceptable obstruction by impeding pedestrian flow and sightlines. However, the existing BT Payphone kiosk takes up 1.58sqm of footpath space whereas the Street Hub would occupy just 0.43sqm. It would therefore be less of an obstruction to movement and visibility than the kiosk to be removed and in any event the pavement outside Nos. 320 & 322 is particularly wide given that it extends to include the colonnade.
16. I have noted the view of TfL that when someone is using the Street Hub the minimum 2m width of pavement would not be maintained and that the proposed luminance level could create a potential safety issue. As regards

width, the pavement includes the area within the colonnade and the area remaining in line with the Street Hub would be over 5m when it is being used. In respect of luminance, it appears that the level proposed for the advertisement displays would be compliant with the that stipulated in Table 4 of the Institute of Lighting Professionals 'Professional Guide 05: The Brightness of Illuminated Advertisements'.

17. Overall, whilst there are coherent and well-argued arguments both for and against the Street Hub, on balance I consider that having regard to all the circumstances of this specific proposal there would be no unacceptable conflict with the national and local policies referred to in paragraphs 4 and 5 of this Decision.

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 Professional's '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.