

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/22/3301226

Pavement o/s 20 Holborn Viaduct, London EC1A 2AT

- 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. 21/01077/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/22/3301227

Pavement o/s 20 Holborn Viaduct, London EC1A 2AT

- 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. 21/01078/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) on the pavement outside 20 Holborn Viaduct, London EC1A 2AT in accordance with the terms of the application, Ref. 21/01077/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. 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 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 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. At my visit it was apparent that Holborn Viaduct has undergone substantial redevelopment in recent years and that with active building sites on both sides of the road near to the appeal site this process is ongoing. Indeed, on one of these sites (No. 61-65 Holborn Viaduct) the building has been demolished since the appeal applications were made with the consequence that the photomontage of the Street Hub in place no longer provides the backdrop of built form against which it will be viewed.
9. This is acknowledged in the grounds of appeal with my attention drawn (in Appendix J) to the proposed street frontage elevation. However, this building when taken together with other buildings in the immediate vicinity, for example No. 60 opposite and Nos. 11-13 are correctly described by the appellant as

having a 'modern styled appearance with glass, brightly lit frontages and large open entrances'. No. 11-13 in particular is notable for its series of three pronged supporting struts that establish a colonnade which includes coffee shops and the entrance to the City Thameslink Station.

10. In a context of a number of 50m high overtly modern buildings that are purposely designed to stand out in contrast to the traditional design of the existing adjacent older buildings (for example Nos. 11-13 adjacent to the building on the other side from the proposed Street Hub) I see no reason why the contemporary design of the Street Hub would be out of keeping with the street scene.
11. Whilst I appreciate comparisons between street furniture and large buildings can only be taken so far, the principle of a modernistic Street Hub being seen against a backdrop of contemporary architecture is entirely relevant to whether a member of the public reads the street scene as having a pleasing character and appearance or alternatively where one or more elements are regarded as jarring and making a negative contribution. In this case my view is that the former applies.
12. Similarly, although the Council argues that the Street Hub would adversely affect the setting of the Grade I listed Church of St Sepulchre, I take the view that the equipment would be too small and too far away for any member of the public to regard it in that light. The Council's argument that whereas the modern buildings frame the approach to the Church, the Street Hub would obscure the building and change the way it is perceived is in my view extremely unlikely. And given its proximity to the large contemporary buildings referred to above the Street Hub would in my view cause no harm to the setting of the Newgate Street Conservation Area.
13. On the second issue, the pavement is particularly wide along Holborn Viaduct and the equipment would be in line with an existing cycle rack. I do not therefore consider that the Street Hub would reasonably be perceived as an obstruction to pedestrian movement or in fact actually be one. As regards safety, the Street Hub would be at the start of a cycle lane, but whilst noting the objection of TfL I can see no substantive reason why it would be a harmful distraction to either cyclists or motorists. The fact that Holborn Viaduct has a central reservation means that the traffic is effectively one way and there is no junction adjacent or close to the appeal site. I consider that these positive factors weigh in favour of the appeal being allowed.
14. Overall, my findings are that the siting and appearance of the proposed Street Hub would not have a harmful effect on the character and appearance of this part of Holborn Viaduct or on the safety of and convenience for road users. There would therefore be no harmful conflict with the national and local policies cited in paragraphs 4 & 5 of this Decision.

Conclusion and Conditions

15. 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.

16. 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.
17. 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.