
Appeal Decision

Site visit made on 23 May 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal A Ref: APP/V5570/W/23/3331789

Pavement outside 272-278 St John Street, Islington EC1V 4PD

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1901/FUL, dated 3 July 2023, was refused by notice dated 22 September 2023.
 - The development is for the proposed installation of a multi-functional Communication Hub including advertisement displays.
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Appeal B Ref: APP/V5570/Z/23/3331790

Pavement outside 272-278 St John Street, Islington EC1V 4PD

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1967/ADV, dated 3 July 2023, was refused by notice dated 22 September 2023.
 - The advertisements proposed are described as the proposed installation of a multi-functional Communication Hub including advertisement displays.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the proposed installation of a multi-functional Communication Hub including advertisement displays at the pavement outside 272-278 St John Street, London EC1V 4PD in accordance with the terms of the application, Ref P2023/1901/FUL, dated 3 July 2023, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and express consent is granted for the proposed installation of a multi-functional Communication Hub including advertisement displays 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. I have

considered each on its individual merits, but as they raise similar issues and to avoid duplication, I have dealt with them 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 on the character and appearance of the area and upon highway and pedestrian safety. The main issues in respect of Appeal B are the effect of the proposed advertisements on the visual amenity of the area and public safety.

Reasons

Character and appearance/Visual Amenity

6. The appeal site relates to a wide area of pavement on St John Street. The footway at this point is set within an environment of mature street trees, which are positioned in close proximity to the carriageway. In terms of existing street furniture, amongst other things there is a bus stop near to the junction with Wyclif Street plus a number of information points, cycle racks, litter bins, lamp posts, CCTV columns and street signs in the immediate setting.
7. Transport for London's (TfL) Streetscape Guidance (2022 revision 2) (Streetscape Guidance) is clear that street furniture is best placed within a furniture zone as it allows a consistent arrangement which maximises the unobstructed width of the footway for pedestrian use.
8. The proposed hub would be positioned near to the road edge in line with the closest street tree, with the site plan indicating a gap of approximately 3 metres to the kerbline and some 6 metres clearance to the nearest shop frontage. To my mind while the feature would take up additional space on the pavement, it would be appropriately situated in the context of other street furniture and would not appear discordant within the immediate setting or the nearby Northampton Square Conservation Area.
9. In respect of the appearance of the hub, its modern design and dark materials would be in keeping with the colour and design of other street furniture in the vicinity, thus allowing it to assimilate well with its surroundings. In terms of the proposed advertisements, there are other examples in the streetscene, including signs on nearby retail premises. The appeal site is in a neighbourhood where such premises would also be illuminated in the evening and where the street would be well-lit by regular street lamps. The illuminated advertisements would therefore not appear out of place.
10. With regard to Appeal A I conclude that the proposal would be compatible with the character and appearance of the area. It would be in compliance with Policy PLAN1 of the SDMP, Policies D3 and D4 of the London Plan 2021 (LP) and the Urban Design Guide, which collectively require that the public realm is well-designed and attractive.
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 the visual amenity of the area. The scheme would meet with the objectives of the above policy.

Highway and Pedestrian Safety/Public safety

13. At the time of my visit - late morning on a Thursday – St John Street was relatively quiet with regard to passing traffic and pedestrians. Nevertheless, the appeal site is located adjacent to a zebra crossing, which would require motorists to have particular focus in order to avoid conflict with other road users in the locale.
14. The new hub and advertisement would be orientated towards motorists travelling in broadly northerly or southerly directions along the road. Being a relatively straight stretch of road from the north, this would allow motorists time to register the new form of advertising at the site. From the south, traffic travels slowly having just negotiated the junction with Skinner Street and Percival Street. Moreover, the carriageway narrows at the pedestrian crossing, which is also set upon a raised road table, thus meaning that vehicles approach with a degree of caution. Although the junction with Wyclif Street is nearby, this cul-de-sac is lightly trafficked and manoeuvres onto St John Street are at low speed.
15. I have carefully considered the concerns of the Council, still I have not been provided with any accident data to support the issues raised or to suggest that there are public safety matters locally. The location of the hub would not obstruct the free flow of pedestrians along the footway, and therefore would allow the remaining space to be used efficiently by pedestrians and cyclists.
16. As reasoned previously, 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.
17. Given the wide nature of the pavement, there would be ample space for pedestrians to pass freely, including people using wheelchairs or with prams. Also, the proposed hub would neither present greater hindrance to disabled people, nor would it create an additional obstruction for those who are visually impaired. Consequently, the proposal would not noticeably alter or restrict pedestrians' sight lines of the footway or the adjacent road, and I am satisfied that there would not be an unacceptable impact on existing pedestrian flows that might otherwise deter walking.
18. With regard to Appeal A I find that the proposal would not cause material harm to highway and pedestrian safety. It would accord with Policy T1 of the SDMP and Policies T2 and T4 of the LP, 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.

19. In terms of Appeal B, I am satisfied that the advertisement would not have a harmful effect on public safety. The scheme would meet with the objectives of policy DH6 of the SDMP.

Conditions

20. 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.
21. 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. A maintenance condition would prevent the highway from becoming blocked and crime prevention measures would deter anti-social behaviour.
22. 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, in the interests of visual amenity and highway safety, I have restricted the intensity of the illumination of the adverts.
23. 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 and prevent the highway becoming blocked.

Conclusion

24. For the reasons given above and having regard to all other matters raised, Appeals A and B succeed.

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: A02272 - Site Plan & Images, Appendix A (Unit Hub Detail), Appendix B (Sustainability Aims), Appendix C (Pavement Reinstatement), Part 5 (Noise Level Report), Part 6 (Unit Management Plan),

Part 7 (Suggested Conditions & Reasons), Part 8 (CHT Letter), JCDecaux Proposal Document.

- 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, as identified on the approved 'A02272 - Site Plan & Images' document, has been removed and the footpath reinstated.
- 5) The footway and carriageway must not be blocked during the installation and maintenance of the Communications hub. 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 hub must at all times whilst operational comply with the agreed Unit Management Plan and the devices will be installed with full functionality. The agreed management plan is to be followed and not altered without prior approval of the MPS Designing out crime team.

Schedule of conditions (Appeal B)

- 1) The advertisements permitted by this consent shall be carried out in accordance with the following approved plans: A02272 - Site Plan & Images, Appendix A (Unit Hub Detail), Appendix B (Sustainability Aims), Appendix C (Pavement Reinstatement), Part 5 (Noise Level Report), Part 6 (Unit Management Plan), Part 7 (Suggested Conditions & Reasons), Part 8 (CHT Letter), JCDecaux Proposal Document.
- 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.
- 6) The footway and carriageway must not be blocked during the installation and maintenance of the advertisement 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.