

PLANNING & DESIGN STATEMENT

Town and Country Planning Act 1990

Town and Country Planning (Control of
Advertisements) (England) Regulations
2007

London Borough of Croydon

January 2024

INTRODUCTION

1. This statement is submitted in support of a dual application, for both planning permission¹ and express advertising consent², by New World Payphones (“NWP”)³.
2. Located in the Thornton Heath District Centre’s Primary Shopping Area, the proposal is for the replacement of the existing red (double) telephone kiosk and the installation of a new digital communications kiosk and ancillary advertisement outside 67 – 69 High Street.
3. The concept of upgrading existing public infrastructure which incorporates advertisements in the area is not alien, reflected in recent grants of consent for the Council’s bus network⁴. The permissibility of the proposal before the Council is therefore established.
4. According to the National Planning Policy Framework (“the Framework”), advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)⁵. Local planning authorities should not seek to prevent competition between different operators or question the need for new communications systems⁶.
5. The Code for Best Practice on Mobile Network Development in England (2022) states that local planning authorities should support the expansion of electronic communications networks and that there should be a presumption in favour of facilitating such development.
6. NWP is an Electronic Communications Code Operator under the terms of the Telecommunications Act 1984 and has statutory powers enabling it to operate electronic communications apparatus within the highway for the purpose of its electronic communications network. As the second largest Operator in the UK, NWP operates an electronic communications network of circa 2000 telephone kiosks across the United Kingdom.

¹ Section 62 of the Town and Country Planning Act 1990

² Regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

³ See also the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

⁴ Appendix 1: Croydon planning ref. 22/02676/ADV

⁵ Paragraph 118 of the National Planning Policy Framework (December 2023)

⁶ Ibid. paragraph 122

7. In recent years, NWP has set about consolidating, rationalising, and upgrading its estate by replacing the tired-looking telephone kiosk structures and outmoded telephony equipment with digital telecommunications infrastructure which better meets the needs of society.
8. The aim of decluttering the street scene and removing outdated and redundant furniture is recognised as key to providing a more open and accessible public realm, as desired by the Council's policy framework.
9. NWP began this process back in 2016 with an initial tranche of applications and removals⁷. The result was the installation of 10 new digital communications kiosks, with a net reduction of 6 kiosks across the Borough. This latest tranche of applications aims to do the same (see overleaf).
10. Accordingly, in addition to this Planning and Design Statement, the submission comprises the following documents and drawings:
 - Application Form: Planning and Advertisement Consent
 - Site Location Plan
 - Site Plan
 - Existing Kiosk Elevations
 - Proposed Kiosk Elevations
 - Proposed Kiosk (Photomontage) View
 - New World Payphones Kiosk Specifications Document
 - Management Plan
 - Community Infrastructure Levy Form
11. The requisite fee of £871 will be submitted via the Planning Portal. Notice will also be served on the relevant highway authority.

⁷ i.e. Croydon planning refs. 16/03043/A, 17/03458/ADV, 16/03047/A, 16/03050/A, 16/03052/A

TELEPHONE KIOSKS IN CROYDON

12. NWP's electronic communications network in the London Borough currently consists of 38 kiosks.
13. As above, records indicate 10 of these locations already feature the proposed digital communications kiosk, the result of consents issued during 2016 and 2017. This saw the net removal of 6 kiosks.
14. This latest phase has identified the following 13 locations for upgrades and installations:
 - o/s 25 London Road
 - o/s 50 North End
 - o/s 1363-1365 London Road
 - o/s 196-198 Addington Road
 - o/s 298 Lower Addiscombe Road
 - o/s 41-47 Whitehorse Road
 - o/s 46-48 Thornton Road
 - o/s 67-69 High Street
 - o/s 203 High Street
 - o/s 12-14 High Street
 - Park Lane, o/s Queens Garden
 - o/s 32 Brigstock Road, o/s Tesco
 - o/s 14a-16a Tudor Court, Russell Hill Road
15. These locations feature a total of 22 existing kiosks, as some locations feature double kiosks. The proposed consolidation will see a net reduction of 10 kiosks overall.
16. All other kiosks will be phased out before 2025, resulting in the further removal of 6 telephone kiosks, meaning that, overall, nearly 40% of the estate could potentially be removed.
17. The existing red and black kiosks, which date back to the 1990's, are tired-looking structures and outmoded in terms of their telephony equipment. This kiosk type has also experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, the kiosks are in use, with most calls made to mobile and 0800 numbers, including the emergency services.

18. The new kiosks will be of an improved design, securing a tangible benefit to the public realm, and will offer enhanced electronic/digital communication services to the public.
19. The upgrade and removal process will be part funded by revenues from advertising and the apparatus will serve as a hub for future upgrades and enhancements of communication networks as technology and societal needs advance.

THE PROPOSED KIOSK

20. The proposed replacement digital communications kiosks are for the purposes of NWP's electronic communications network. Each is manufactured from robust and high-quality materials, complete with the following multi-functional communication interface:
- A new telephone system with the ability to accept credit/debit card, contactless and/or cash payment;
 - A 24-inch LCD display providing an interactive wayfinding capability;
 - Equipment for the provision of Wi-Fi access points and/or equipment for the provision of public small-cell access nodes;
 - Location-based information (NFC, Bluetooth 4.0 LE); and
 - On the reverse side, a 1635mm (H) x 924mm (W) LCD display for advertising purposes, recessed behind toughened glass.
21. The intention was to create a distinctive and modern telephone kiosk which retained the design influence and heritage of traditional UK phone boxes. The new kiosk is purposefully open, allowing unfettered access for all users including the accessibility impaired whilst also helping to eradicate anti-social behaviour.
22. The existing NWP Telephone Kiosk is box-shaped and enclosed, with a footprint measuring 0.89 square metres (sqm). It is 2430mm high, 948mm wide and 948mm deep. In comparison, the proposed kiosk has a footprint measuring 0.83 sqm, is 2459mm high (a difference of just 29mm), is 1115mm wide (167mm wider than the existing kiosk) and is 762mm deep (195mm less deep than the existing kiosk).
23. The reverse side of the kiosk would incorporate a 1635mm by 924mm integral digital display advertising panel. Phone kiosks have long been synonymous with advertising, used mainly to support the viability and maintenance of the network. Nevertheless, the advertising element is an integral part of the design and pivotal to the funding of the overall goal of rationalising the kiosk estate.
24. The advertisement display would present a range of static images on rotation, at a frequency of once every 10 seconds. Advertisement images would not contain any movement, animation, or flashing lights, with the interchange between each advertisement a gradual and smooth fade.
25. The display would be illuminated to levels recommended by the Institute of Lighting Professionals ('The Brightness of Illuminated Advertisements Including Digital

Displays' PLG05, 2023) which states that advertisements with an area of up to 10 sqm should be illuminated to a level no greater than 600 candela per square metre (cd/sqm) at night and 5000 cm/sqm during the day. During periods of darkness, the display's illumination would be restricted to a maximum brightness of 280 cd/sqm; well within the limit prescribed by PLG05/23. During the day, when ambient light levels are significantly greater, the display will be regulated by sensors that monitor and adjust the luminance according to the prevailing conditions. The maximum brightness of the display is 2500 cd/sqm; again, this is well within the limit prescribed by PLG05/23.

26. NWP accept that planning conditions will be necessary to ensure the development operates appropriately. Hence, the following conditions are advanced for consideration by planning officers and consultees in their assessment:

- a) The approved development shall operate in accordance with the approved documents and drawings (specified by the local planning authority).
- b) Express advertising consent is granted for a period of 5 years in accordance with the Regulations.
- c) During periods of darkness, the luminance level of the advertisement hereby approved shall not exceed 600 candela/sqm as advised by the Institute of Lighting Professionals' publication PLG05 (2023): "The Brightness of Illuminated Advertisements" or any successor publication.
- d) The advertisement panel should have a default mechanism to freeze an advertisement in the event of any malfunction.
- e) The advertisement panel shall display only static images, at a frequency of once every ten seconds.

Tree Planting

27. In addition to kiosk removals, and as part of its environmental commitments, NWP has partnered with Trees for Cities, which is a global charitable organisation working to create greener cities internationally.

28. As part of this commitment, NWP offers to plant a tree in a location to be agreed with the Council for every kiosk proposed for upgrade. This could be secured by agreement under either Section 278 of the Highways Act 1980 or Section 106 of the Town and Country Planning Act 1990.

Council Communications

29. The advertisement display is intended not only for commercial use, but as a platform for a range of messages, to include information for local residents and visitors regarding local services, events and news.
30. Subject to agreement, therefore, the proposal includes an offer to the Council to make use of the advertisement display. One ten second slot in each hour, at no cost to the Council, can be made available.

Endorsement of Replacement Digital Communications Kiosks

31. The proposed communications kiosk represents an improvement on the existing telephone kiosk, both visually and functionally. This has been referenced in several decisions across the UK which also considered the replacement of the older dated telephone kiosks. In Hillingdon, one Inspector stated:

“the existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature...the new kiosk would introduce a more appropriate, modern feature and in this respect, it would improve visual amenity”⁸.

32. Indeed, this is mirrored by a raft of similar decisions in the London Boroughs, where Inspectors have commented favourably on the design and integration of the kiosks with the street scene. In the Royal Borough of Kensington and Chelsea, where 19 new kiosks were permitted, one Inspector considered that the project:

“would not add to street clutter but rather would replace tired looking telephone kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”

33. Lastly, in Wakefield, the Council approved the rationalisation project in July 2019. In granting consent⁹, the local planning authority stated that

“[t]he proposed kiosks will replace... telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance

⁸ Appeal Decision [Lead Case] Ref. APP/R5510/Z/16/3157043

⁹ Wakefield Planning Reference 19/01082

will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally, the two open sides would provide improved user safety and surveillance.”

34. NWP has therefore had great success in renewing and upgrading its estate, to the benefit of the public and the built environment. The merits of both the kiosk’s design and utility are widely recognised across the United Kingdom, operating in 49 local authorities.

NATIONAL AND LOCAL POLICY CONTEXT

National Planning Policy Framework

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

36. This is reiterated in the National Planning Policy Framework (December 2023), a material consideration in planning decisions in England, which states that the purpose of the planning system is to contribute to the achievement of sustainable development. More specific development-type guidance and advice (i.e. on advertisements and design) is set out in the accompanying Planning Practice Guidance (“the PPG”); this is considered below.

37. Part 6 of the Framework emphasises the role of the planning system in encouraging businesses to invest, innovate and adapt to changing market conditions. Part 8 considers how to promote healthy and safe communities. Part 10 covers the essential role high quality communications infrastructure has on the delivery of sustained economic growth and how the planning system should act to support this type of development. Part 12 advises on how to achieve well-designed places.

38. Paragraph 85 (Section 6) of the Framework states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”.

39. Paragraph 96 reminds us that *“planning policies and decisions should aim to achieve healthy, inclusive and safe places”* that *“are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”* (point b).

40. In creating and supporting high quality communications and systems, paragraph 118 of the Framework considers:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and

decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments”

41. In doing so, paragraph 119 states that the use “*of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged*”. Paragraph 120 expands on this, stating that local planning authorities “*should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development*”.

42. As paragraph 122 confirms, therefore, local planning authorities “*must determine applications on planning grounds only. They should not seek to prevent competition between different operators [or] question the need for an electronic communications system*”.

43. In terms of design, to include the presence of advertisements, paragraph 141 of the Framework states:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

44. Where conservation areas and listed buildings are concerned, paragraph 200 also reminds decision makers [and applicants] that:

“[in] determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.

Advertisement Control

45. The display of advertisements is subject to a separate consent process within the planning system¹⁰. This is set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereafter known as the Regulations). Advertisements are controlled with reference to their effect on amenity and public safety only. Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the PPG¹¹.
46. The impact on visual amenity is assessed in light of the character of an area, which includes the nature and type of surrounding land uses and the existing built form within the particular locality where the proposed advertisement is to be displayed. It is the impact upon local character and any feature of interest that the proposed advertisement is appraised.
47. In terms of public safety, the principal consideration is whether the advertisement would prevent individuals passing the site from exercising the requisite care and attention for themselves and others. It is accepted that advertising is intended to be seen as it is a visible media, but it doesn't automatically follow that roadside advertisements are distracting. Advertising is often part of the fabric of city centres and busy routes where drivers and pedestrians have a high expectation of seeing commercial images and messaging.

The UK Digital Strategy

48. Published in March 2017, the Ministerial forward to the UK Digital Strategy states that the Government is committed to seeing the enormous potential of the digital sector, one of the UK's most important sectors, fulfilled and therefore the provision of a first-class digital infrastructure. The forward adds that this approach must go hand-in-hand with ensuring the benefits are felt across the economy, throughout society and in every corner of the country:

“Every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn.”

“The Digital Strategy will deliver the first-class digital infrastructure and advanced skills base that businesses across the country need to be able to take advantage of digital tools. And it will close the digital divide - to ensure that everyone is able to access and use the digital services that

¹⁰ Pursuant to Section 220 of the Town and Country Planning Act

¹¹ Planning Practice Guidance – Advertisements (updated July 2019)

could help them manage their lives, progress at work, improve their health and wellbeing, and connect to friends and family.”

London Plan

49. Paragraph 3.3.14 of the London Plan states that measures to design out crime should be integral to development proposals and be considered early in the design process. Development should reduce opportunities for anti-social behaviour, criminal activities, and terrorism, and contribute to a sense of safety without being overbearing or intimidating. Developments should ensure good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places.
50. This accords with Policy D5 (Inclusive Design), requiring development proposals to achieve the highest standards of accessible and inclusive design. They should provide high quality people focused spaces that are designed to facilitate social interaction and inclusion; be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, and; be able to be entered, used and exited safely, easily and with dignity for all.
51. Policy S16 of The London Plan 2021 (London Plan) states that proposals should take appropriate measures to avoid reducing mobile connectivity. Support will be given to the effective use of the public realm to accommodate well-designed and suitably located mobile digital infrastructure. Policy D2 of the London Plan seeks to ensure that there is sufficient infrastructure capacity.

Local Planning Policy

52. The development plan for the Borough comprises the Croydon Local Plan 2018 (“the LP”).
53. The relevant policies are set out below, but in summary they seek to ensure the public realm is well designed, safe, attractive and related to local context. Street furniture should complement the use and function of the space. Advertisement hoardings and should not harm amenity or public safety. Lighting for advertisements should be carefully considered and well designed to minimise intrusive lighting infrastructure and reduce light pollution.

Policy SP4 – Urban Design and Local Character

54. Development should be of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities.

Policy DM10 – Design and Character

55. Proposals should be of a high quality, being sensitive in layout, siting and scale. The materials and appearance should take into account the prevailing streetscape and character.
56. Proposed development must promote social inclusion through equality of opportunity and equality of access to social, educational, health, employment, recreational, green space and cultural facilities for all in the borough, particularly for residents living in areas of identified need.

Policy DM12 – Advertisement Hoardings

57. Advertisements should ensure they do not have an adverse impact on public or highway safety, lead to visual clutter, and should otherwise provide an appropriate type and level of illumination, suitable to the site and its surroundings.

Policy DM33 – Telecommunications

58. Telecommunication development will generally be permitted where it demonstrates that it has been sited and designed to minimise impact to the external appearance of the host building or structure. Ultimately, this should accord with national guidance which aims to use existing infrastructure nodes to ensure proper coverage and provide adaptation for future technologies.

PLANNING ASSESSMENT

59. In assessing the application, the traditional planning considerations apply¹², as well as those set out in the Town and Country Planning (Control of Advertisements) (England) 2007. The latter reiterates that advertisements are to be controlled only with regard to their effect on amenity and public safety, and any other material considerations.
60. Taken as a whole, therefore, the main planning considerations are whether the proposed kiosk, by virtue of its design, siting and use, will preserve or enhance the character and setting of the wider street scene and safeguard pedestrian movement and safety.

Application Site, Surroundings and Material Considerations

61. The site is located within the Thornton Heath District Centre's Primary Shopping Area, in front of its retail frontages. This is set out in the Council's extant LP and its Policy Map. The existing kiosks have been in situ for more than two decades.
62. As befitting its status, it is a busy and active commercial thoroughfare and advertisements are a feature of the locality with either retailers, bus shelters and other network operators having internally illuminated facias or displays.
63. The site is not within a conservation area as defined by the local policy framework, nor are there any listed buildings proximate which warrant special consideration. The site is not within an area designated as prone to flooding¹³.
64. the proposal before the Council is a familiar one and part of a wider strategy to consolidate and upgrade the applicant's network. This accords with the Framework's¹⁴ desire to encourage the use of existing structures and sites for new electronic and digital communications (including wireless).
65. Indeed, this has been encouraged elsewhere along High Street, with decisions handed down by Inspectors¹⁵ noting that the removal and replacement of the existing kiosks, which have "a foreboding, neglected appearance", would "enhance the character of this section of the street". Similarly, the Council opted to permit large double sided digital installations nearby¹⁶. In both cases, the

¹² Section 38(6) of the Planning and Compulsory Purchase Act 2004

¹³ Flood Map for Planning Services

¹⁴ Paragraph 119

¹⁵ Appendix 2: Appeal refs APP/L5240/W/21/3285398 and APP/L5240/H/21/3285399 (Croydon refs. 21/03253/FUL and 21/03254/ADV, respectively) - Outside 32-34 High Street

¹⁶ See Appendix 1 (see also Croydon planning ref. 22/02662/ADV outside 20 - 22 High Street)

decisions considered the installations would improve the visual and townscape qualities of the street scene and would not result in any harm to visual amenity from their size, positions or (in the case of the advertisements) method of illumination.

66. Given the similarities with the proposal before the Council, therefore, it follows that the proposed digital communications kiosk is wholly appropriate and would offer tangible benefits on the existing situation. This is evidence in favour of the dual application before the Council, and local planning authorities should seek to ensure consistency in their general approach towards the determination of applications in particular localities (as desired by national policy and legislation).

Design, Siting, Character and Appearance

67. The proposal would see the removal and replacement of the existing double red telephone kiosk, with the proposed replacement sited as indicated in the enclosed Site Plan. The longer side, featuring the advertisement display, would be perpendicular to the road and face east.

68. Whilst the kiosk would have a marginally taller and wider appearance, it would be slimmer than the current arrangement, occupying a smaller footprint and would remain in line with other existing street furniture, thus retaining the desired footway width available to pedestrians and streamlining the appearance of the street scene.

69. The design of the roof and side panel, which would provide some shelter from the elements, would allow access for those with mobility impairment, and improve natural surveillance, as desired by the policy framework.

70. Visually, the replacement's simple modern appearance, which integrates the design lineage of traditional telephone boxes with a contemporary twist, ensures it is an appropriate and aesthetically pleasing addition to the commercial street scene, in which it would be visually read.

71. Hence, it would be in keeping with the street scape's character and profile, and as a direct replacement, it would not result in any greater sense of clutter and would comply with the directive seeking to utilise existing telecommunication sites. It would also accord with policies in the development plan that seek to ensure telecommunication development is sited so that it does not adversely affect the character and appearance of the surrounding area and street scene.

72. Taken as a whole, therefore, the reduction in scale, improved design and siting ensure it would, as a minimum, preserve the character and appearance of the site and the immediate locality, as desired by national and local policy.

The Advertisement

73. The advertisement would be integrated into the kiosk structure, on the reverse side of the communication hub. It would display static advertisement images sequentially, and on rotation. In terms of amenity, the PPG advocates siting advertisements in commercial and industrial areas where their appearance is generally commensurate to the function of said areas; this is the case here.

74. The display would be integrated into a well-designed contemporary and slimline structure and complement the retail offer of the wider area. Hence, its effect on the wider locality would be appreciably limited.

75. Moreover, sited below streetlamp level, there is unlikely to be an appreciable change in the amenity status of the locality due to the advertisement's illumination. It would comply with the necessary standards and conditions advanced (above) would ensure compliance. Consequently, the proposed advertisement would not detract from the amenity, character, or appearance of an overtly commercial area.

76. In safety terms, it is unlikely that an advertisement would compromise the safety of any passers-by. The kiosk structure would be aligned with other street furniture in this area and would not materially impinge on the space of the footway for pedestrians; in fact, it would improve on the existing situation.

77. Although it would show images on rotation, advertisements would contain no moving images, video or flashing images. Situated in a commercial area, where advertisements and illuminated features are common, it is unlikely that the proposal would result in any material distraction.

78. In these circumstances, the proposed advertisement would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care for their own and others' safety.

SUMMARY AND CONCLUSION

79. Bearing the foregoing, it is considered that the proposal will bring about improvements in the public realm by removing tired and worn kiosks, and replacing them with modern communications systems, of a design and appearance which better reflects contemporary build and social standards.
80. This would accord with the general thrust of local policies, which aim to secure good design and benefits to the public realm. It would also accord with the Regulations' aim that the amenity and safety of those in the locality are safeguarded for the foreseeable future.
81. The application reflects the applicant's preferences. Should the Council wish to discuss any aspect of the scheme, New World Payphones would welcome the opportunity to address any concerns prior to determination.

NWP

APPENDIX 1

Development Management
Sustainable Communities, Regeneration and
Economic Recovery Department
6th Floor, Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

Miss Alisha Aggarwal
VALO Smart City UK Ltd
Suite 219A, No 2 Lansdowne Road
The Lansdowne Building
Croydon
CR9 2ER

Please ask for/reply to: Alexander Green
Tel/Typetalk: 0208 726 6000 Ext 61834
Minicom: 020 8760 5797
Email: development.management@croydon.gov.uk

Your ref: VALO BATCH 5 - CR0058
Our ref: P/PC/North Area Team/DCAG

Date: 14th October 2022

**Town and Country Planning Act 1990. The Town and Country Planning
(Control of Advertisements) (England) Regulations 2007**

Application Number: 22/02676/ADV

Applicant: Miss Alisha Aggarwal VALO Smart
City UK Ltd

CONSENT TO DISPLAY ADVERTISEMENTS

The Council of the London Borough of Croydon, as the Local Planning Authority,
hereby grant consent to the display of the advertisement(s) detailed below :-

Advertising as part of a new bus shelter
at:

Bus Shelter Outside 95-97 High Street, Thornton Heath, CR7 8RY, ,

Subject to the following condition(s) and reason(s) for condition(s) :-

- 1 This consent is granted for a fixed period expiring ten years from the date of Consent.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 No advertisement shall be sited or displayed so as to:-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7 The proposed signage/advertisement should operate at an illumination level no greater than 300 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with Policies SP4 and DM12 of the Croydon Local Plan 2018.

8 The minimum display time for each advertisement shall be 10 seconds. There shall be no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with Policies SP4 and DM12 of the Croydon Local Plan 2018.

- 9 The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with Policies SP4 and DM12 of the Croydon Local Plan 2018.

- 10 The free public Wi-Fi and CCTV must be managed in accordance with the agreed Valo Smart City Smart Bus Shelter Anti-Social Behaviour Management Plan (Prepared by Valo Smart City UK Ltd in Partnership with the London Borough of Croydon). The ASB management plan must remain in place for the lifetime of the device.

Reason: In the interests of safety and to protect the visual amenities of the locality and to comply with Policies SP4 and DM12 of the Croydon Local Plan 2018.

- 11 The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Application Document no. CR0058

Reason: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning and to comply with the Croydon Local Plan 2018.

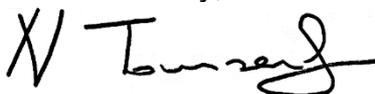
In reaching this decision the Local Planning Authority has sought to work in a positive and pro-active manner based on seeking solutions to problems in the following way:

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance. The Local Planning Authority delivered the decision in a timely manner.

Informative(s):

- 1 The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) if any issues occur once installed, in the early stages a 3 month review following installation will be prudent for organisational learning for the MPS (DOCOs), VALO and the London Borough of Croydon.
- 2 Any decision to restrict the provision of Wi-Fi services will be made jointly by Valo and the Council. The London Borough of Croydon will liaise with the Metropolitan Police to review any of reports of Anti-Social Behaviour.

Yours faithfully,



Nicola Townsend

Head of Development Management

Drawing No's: Elevations and Floor Plans CR0058 Received 24.06.2022,

Notes: Application for the renewal of this consent may be made at any time within a period of six months before its expiry.

Appeals to the Secretary of State - Notes for applicants

Applicants for consent to Display Advertisements.

(A) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

(B) If you want to appeal against your local planning authority's decision, then you must do so within 8 weeks of the date of this notice, using a form which you can obtain from the Planning Inspectorate.

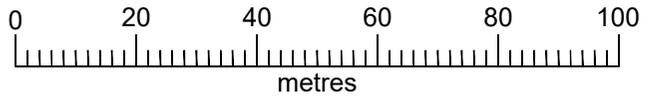
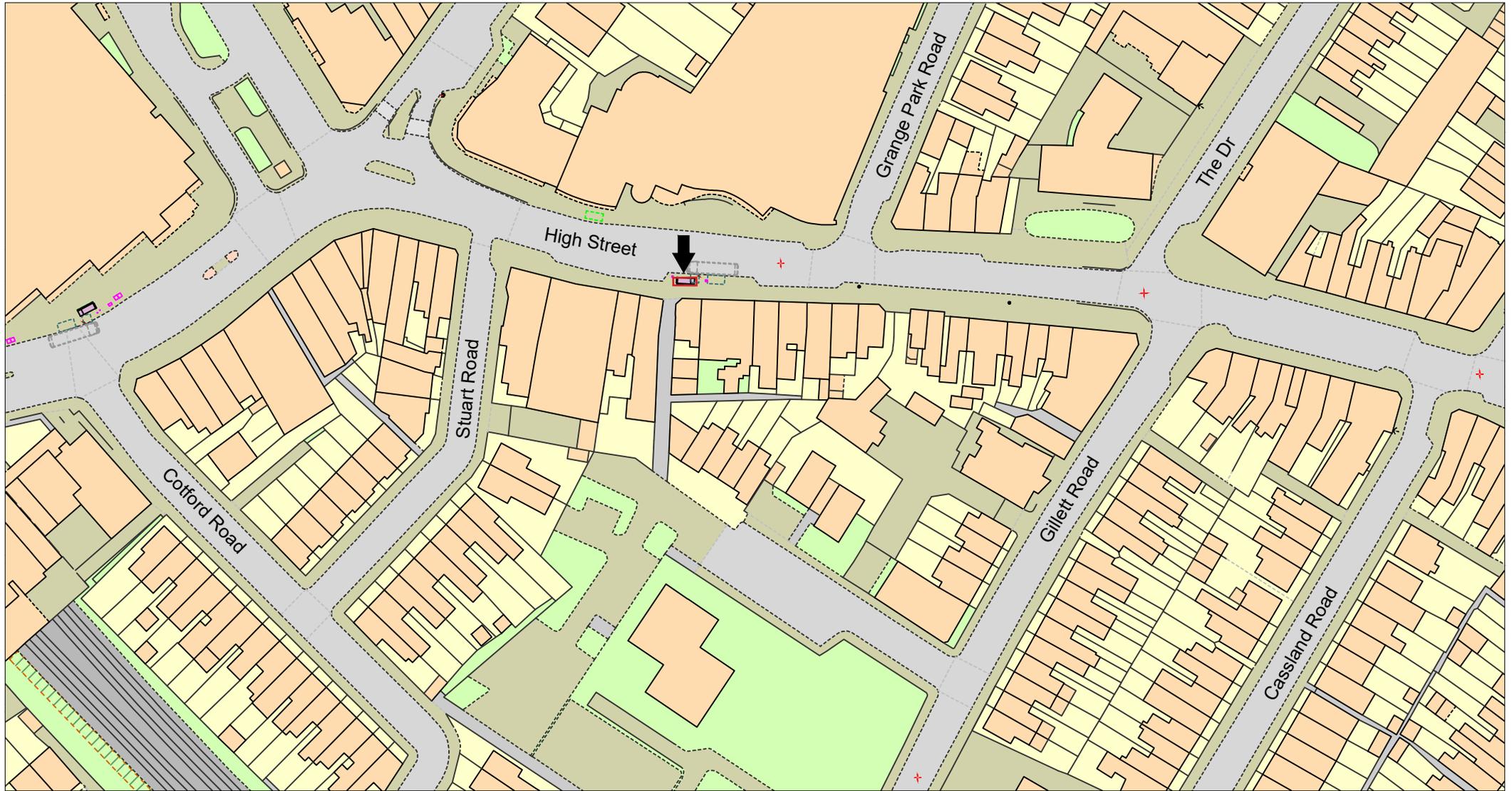
(C) Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

(D) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

(E) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

(F) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

(G) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

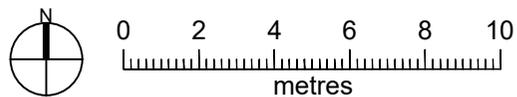
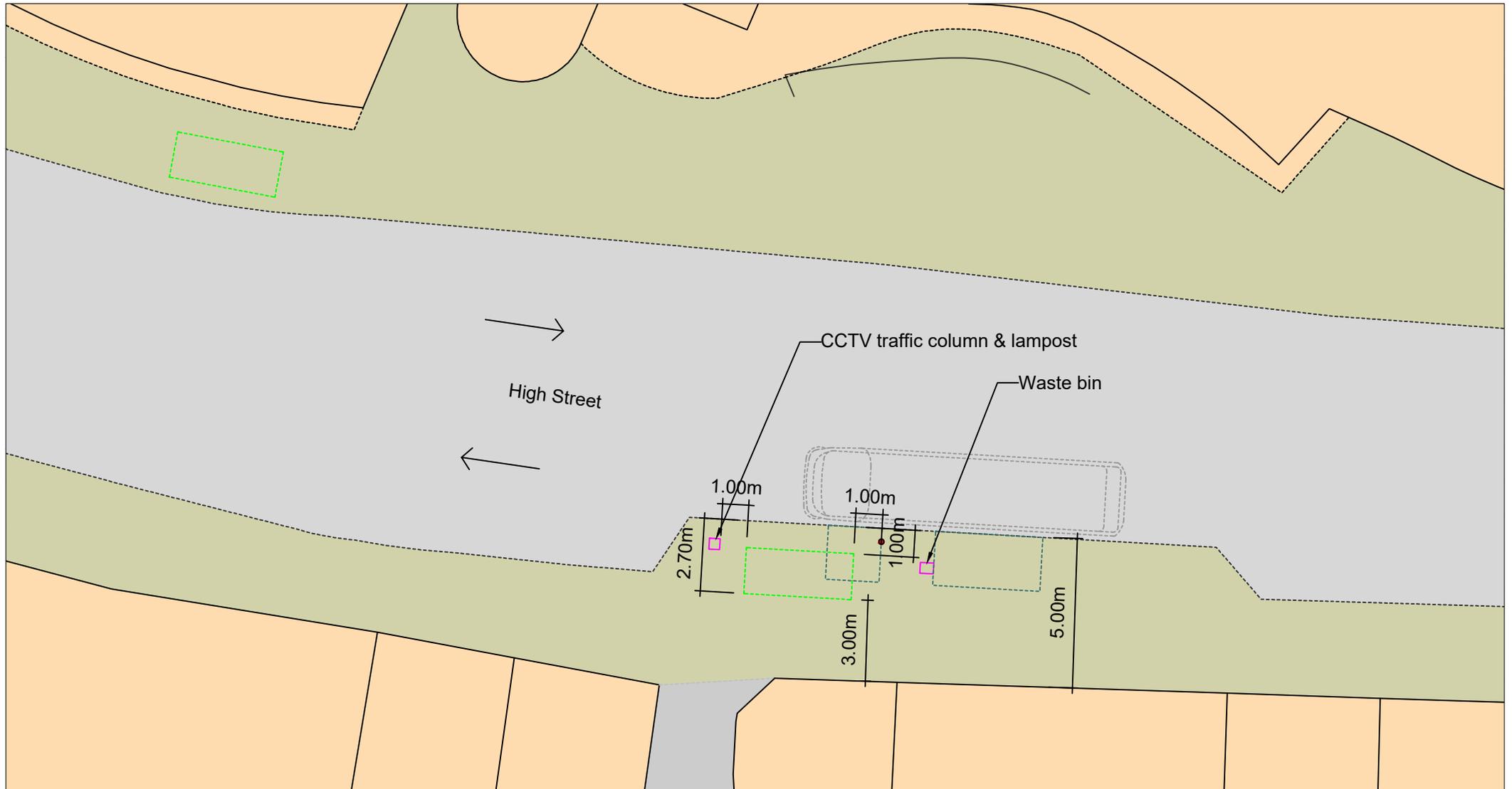


Key — Site Boundary

Existing Bus Shelter and Advertising Location Plan

CR0058

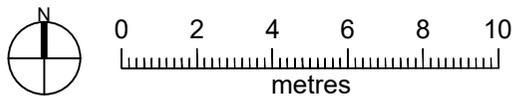
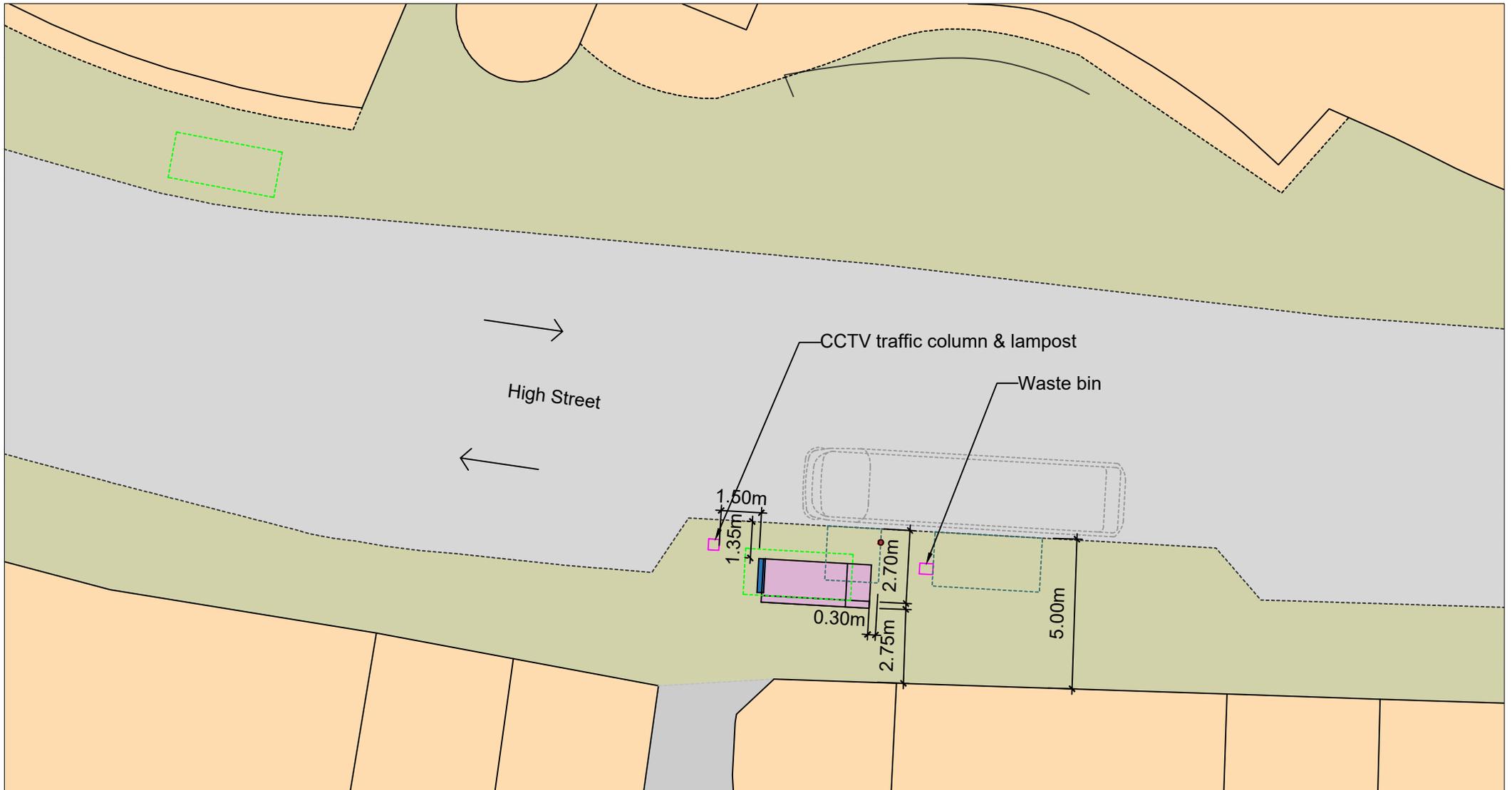
Scale 1:200



Proposed Bus Shelter and Advertising Location Plan

Scale 1:200

CR0058



General Arrangement Drawings (Small digital screens format 2)

CR0058



Front elevation

Side elevation

Key

- 1. Branding
- 2. 80" double sided digital screens
- 3. Plinth



Plan

Note:

These drawings are indicative of the proposed designs. Allowance should be given for construction and installation tolerances of +/-25mm. Refer to '1:200 Site Plans' and 'Description of the proposed new location' for site-specific arrangement and dimensions

APPENDIX 2



Appeal Decisions

Site visit made on 31 October 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal 'A' Ref: APP/L5240/W/21/3285398 Outside 32-34 High Street, Croydon CR7 8LE

- 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 Mr James Browne, BT Telecommunications PLC, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03253/FUL, dated 1 June 2021, was refused by notice dated 31 August 2021.
 - The development proposed is 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
-

Appeal 'B' Ref: APP/L5240/H/21/3285399 Outside 32-34 High Street, Croydon CR7 8LE

- 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 Mr James Browne, BT Telecommunications PLC against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03254/ADV, dated 1 June 2021, was refused by notice dated 3 September 2021.
 - The advertisements proposed are 2no. digital 75" LCD display screens, one on each side of the street hub unit.
-

Decisions

Appeal 'A' Ref: APP/L5240/W/21/3285398

1. The appeal is allowed and planning permission is granted for 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks, outside 32-34 High Street, Croydon CR7 8LE, in accordance with the terms of the application, Ref 21/03253/FUL, dated 1 June 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Appeal 'B' Ref: APP/L5240/H/21/3285399

2. The appeal is allowed and express consent is granted for 2no. digital 75" LCD display screens, one on each side of the street hub unit. 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 schedule at the end of these decisions.
-

Procedural matters

3. The two appeals concern the same proposal on the same site. Appeal 'A' concerns the refusal of planning permission to erect a BT street hub. Appeal 'B' concerns the refusal of express consent to display advertisements on the street hub. I have considered each on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decisions letter.
4. The Advertisements Regulations stipulate that control may be exercised only in the interests of amenity and public safety. In determining the advertisement appeal, the development plan policies are not determinative, but I have taken them into account in determining the appeal against the refusal of planning permission.

Main issues

5. The main issues are, in appeal 'A', the effect of the proposed development on:
 - the character and appearance of the area, including the surrounding townscape and public realm;
 - pedestrian movement; and,
 - highway and crime safety;and, in appeal 'B', the effect of the proposed advertisements on:
 - visual amenity; and,
 - highway and crime safety.

Reasons

Character and appearance of the area and visual amenity

6. Reflecting its designations in the Thornton Heath District Centre as a Main Retail Frontage in a Primary Shopping Area the street has a busy commercial character from the shops which enclose it. At the time of my site visit, this section was busy with road traffic, and the footways even busier with people shopping, or passing along the street.
7. Its commercial character is characterised by shop advertisements including fascias, projecting signs and window signs. The phone box here proposed to be replaced by the BT street hub includes fly posters on its sides. At the time of my site visit it had been used as a toilet. It's dark-tinted sides and fly-postered wall give it a foreboding, neglected appearance. The footway here is broad, but it also holds road signage, a bus stop, lamp columns, bollards, and a parking meter. Some of the shops brought their displays onto the footway in front of their fronts, intensifying the colour and animation of the place. Given the already bustling, commercial nature of this section of the street, the proposal would not undermine its character as a place to live in, to work in, or to visit. Removing the potential for the anti-social use inside the phone box which I encountered, as well as its forlorn appearance, would enhance the character of this section of the street.

8. The removal of the metal and plastic BT phone box would not harm the townscape of the street or the attractiveness of the public realm. I appreciate that the street hub would be taller and broader than the phone box which it would replace. However, it would be narrower. It would have more slender proportions, a plainer form, slicker detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street than the more corporately identified phone box. It would appear less bulky and less conspicuous than the phone box it would replace.
9. I appreciate that advertisements attached to phone boxes may not be illuminated, whereas the street hub advertisements would be. However, the only advertisements on the phone box at the time of my visit were fly posters and stickers. Nonetheless, from what I saw on similar phone boxes in this area, in terms of appearance, there is a world of difference between paper or vinyl advertisements pasted over the glazed panels of a phone box and its rail, and the purposed-designed, well-detailed street hub containing LCD screens. In my view, replacing this phone box with the street hub, whether the advertisements on the hub be illuminated or unilluminated, would improve the visual and townscape qualities of the street scene.
10. Given the already bustling, commercial aspect in this section, and subject to conditions to control their illumination at night, I can see no harm to visual amenity from the size, positions and method of illumination of the advertisements on the street hub.
11. I conclude on this issue that, given the condition of the phone box in this location which would be removed, subject to conditions, the proposal would not harm the character and appearance of the area, including the surrounding townscape and public realm. There would be no harm to visual amenity. There would be no conflict with London Plan 2021 (LP) policies D3 and D8, nor with Croydon Local Plan 2018 (CLP) policy SP4. These seek development that encourages active travel with inclusive pedestrian routes, and require development to ensure that the public realm is attractive and related to the local context, to respond to local distinctiveness, and to contribute positively to public realm and townscape.

Pedestrian movement

12. The area has a high footfall. Given the amount of clear passage that would remain between the closest building and the street hub in this wide section of the footway, I can see no potential obstruction to the footway, even if there were to be some informal frontage display to the shop opposite.
13. I appreciate that the Council's public realm design guidance¹ suggests that street clutter should be avoided and that only furniture that is either needed or improves the user experience should be added to the public realm. While the street hub would be another item of street furniture, given that it would replace a phone box in the same location standing a similar distance from the shop fronts, and noting the clear width of footway which would remain in this wide

¹ Croydon's Public Realm Design Guide 2019, Council of the London Borough of Croydon

section, I can see no conflict with the use of the footway or access to the buildings on this side.

14. There would be no conflict with LP policy D8, nor with CLP policy SP4 which require development to contribute positively to the public realm, to provide for its movement and place functions, and which indicate that applications that introduce unnecessary street furniture should be refused.

Highway safety

15. The street hub would be orientated to face oncoming drivers and sited close to the kerb of the footway, in the drivers' sight lines, which would reduce the risk of drivers turning away from the road to look at the advertisements, in accordance with the guidance² of Transport for London. The street hub would be sited sufficiently distant from the bus stop behind it that there would be no material risk of distracting drivers approaching the stop or passing buses.
16. There is no substantive evidence, and nothing that I could see on-site, to suggest that there would be any significant conflict with signage, nor that the road geometry and layout is so complicated, nor that driving conditions are so demanding, that the proposal would present an unacceptable highway safety risk.
17. I conclude on this issue that there would be no material risk to highway safety from the proposal and no conflict with LP policy T4 and CLP policy DM29 which protect the safety of people using roads and footways.

Crime safety

18. I acknowledge the consultation response from the Metropolitan Police describing a severe crime risk in this street, and their recommending the suspension of the function of free phone calls, free Wi-Fi and free phone charging. However, the Council has not recommended any such condition.
19. In these circumstances, and noting the provisions of the BT Street Hub Anti-social Behaviour Management Plan, which provides for call restrictions, the disabling of the USB port and, alongside its algorithm, the priority assigned to contact from the police, a planning condition would reduce the risk of the BT street hub being used for crime to an acceptable degree.
20. The phone box to be removed at this location has solid or dark-grey tinted glass. It already obscures some views down the street. The additional width and height of the BT street hub would not make a material difference to sight lines, in terms of natural surveillance.
21. I conclude on this issue that, subject to a condition to secure the management plan, there would be no unacceptable risk to crime safety from the proposal. There would be no conflict with LP policy D3 which requires measures to design out crime being integral to development proposals and opportunities for anti-social behaviour, criminal activities and terrorism to be reduced. Nor would the proposal run against the National Planning Policy Framework which requires in

² Guidance for Digital Roadside Advertising and Proposed Best Practice, Transport for London, 4 March 2013

paragraph 92 that decisions aim to achieve safe places and high-quality public space so that crime and the fear of crime do not undermine the quality of life.

Other matters

22. I note the intention to remove a second phone box, in Parchmore Road. There is no objection from the Council to this, and I have no reason to disagree with it. While the disposal of the second phone box may be considered a benefit to the public realm, given my conclusions above on the first phone box, the removal of the second box has not been a decisive factor in weighing the balance of this proposal.
23. I acknowledge that LP policy D8 requires lighting for advertisements to minimise intrusive infrastructure and reduce light pollution. However, in this proposal the lighting would be in-built. Given the location in a large city with streets lit by streetlights and buildings, I am not convinced that, subject to a condition controlling its illuminance, the proposal would result in a harmful increase in light pollution or disturbance to surrounding occupiers.
24. I have had regard to the risk of harm from the cumulative effect of similar installations in the same area as this proposal. However, on the evidence before me, and from what I saw in the area, I cannot identify any such risk.

Conditions

25. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance, and amended them where necessary. In appeal 'A, in addition to the statutory time condition [1], a condition [2] listing the approved drawings is needed to ensure clarity on what has been permitted.
26. The appellant's product statement describes the facing materials as powder-coated aluminium and glass, and the renders show the metal in a very dark monotone. There is no necessity for details of facing materials or finishes to be approved. However, in the interests of appearance and visual amenity it is necessary for the specification to be followed, so I have applied condition [3].
27. It is also necessary, in order to reduce the risk of street crime and anti-social behaviour in the outer London borough with the highest crime rate, that a condition be applied to ensure that the street hub is effectively managed. I have therefore applied a condition [4] for its management to be in accordance with the BT Street Hub Anti-social Behaviour Management Plan April 2021.
28. The street hub could be erected without the phone box being removed. This would make this section overly commercial by the concentration of advertisements in the public realm. The combined effect of the siting of the existing phone box and the BT street hub would also form a surveillance blind-spot in an area of severe crime risk. A condition to ensure the phone box is removed would overcome these effects.
29. I appreciate that the phone box may not be on land in the control of the appellant. However, there is no objection from the Council or the relevant highways authority to its removal. In these circumstances, and given the status of the appellant as a statutory undertaker, I am assured that there

- would be no unacceptable uncertainty and that there would be every prospect of its removal.
30. I acknowledge the appellant's suggested condition in this respect which sought the removal of the phone boxes within three months of the development commencing. However, this would permit this phone box and street hub to be in place for three months. Given the risks identified, the street hub should not be erected until the phone box has been removed. I have therefore applied a condition [5] which would secure this, while allowing any groundworks to be completed in advance of erection.
31. In appeal 'B', to prevent visual intrusion and distraction to road users, it is necessary to apply a condition [1] to control the illuminance of the advertisements so that they do not stand out significantly from the background illumination in the street, during darkness. The proposal is for the advertisements to have internal illumination of 2,500cd/m². It is unclear how the Council has determined that the level should be no greater than 300cd/m². However, the lighting guidance³ suggests that in urban areas, such as this, the maximum level could be up to 600cd/m². Given the location of the proposal, the commercial and lit character of the street, the visual contrast of the surroundings, and the size of the street hub's screens, I consider that 600cd/m² is a reasonable upper limit.
32. To avoid the risk of distraction to drivers, it is also necessary for conditions to avoid, special effects, moving or sequenced images [2], to ensure a minimum display time [2], and to reduce the rate of change of images to instantaneous [3].

Conclusion

33. For the reasons given above, and taking into account all matters raised, the appeals are allowed.

Patrick Whelan

INSPECTOR

³ Professional Lighting Guide 05, The Brightness Of Illuminated Advertisements, 2015, Institution of Lighting Professionals

SCHEDULES OF CONDITIONS

Appeal 'A' Ref: APP/L5240/W/21/3285398

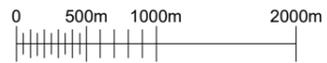
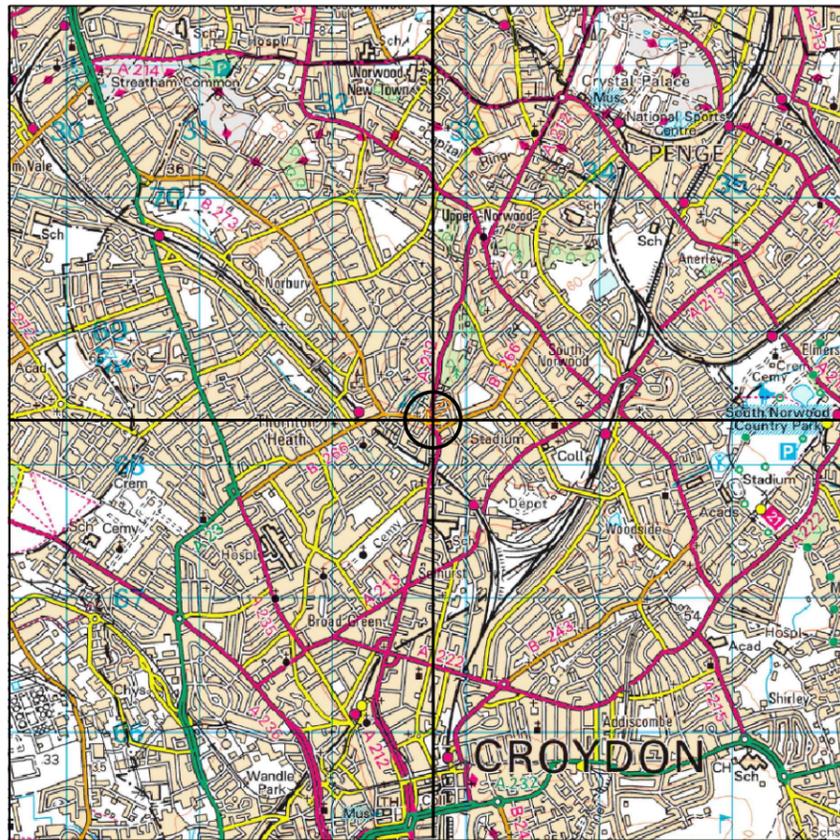
- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1A SITE LOCATION MAPS; 2A PROPOSED SITE PLAN; 3A EXISTING AND PROPOSED ELEVATIONS.
- 3) The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposal Renders 2021.
- 4) The BT street hub, including its electronic features, shall be managed in accordance with the BT Street Hub Anti-Social Behaviour Management Plan, April 2021, for the lifetime of the development.
- 5) Before the BT street hub hereby approved is erected, the phone box indicated for removal, as shown on drawing 2A PROPOSED SITE PLAN, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal 'B' Ref: APP/L5240/H/21/3285399

In addition to the five standard conditions in the Regulations:

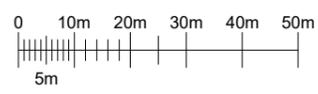
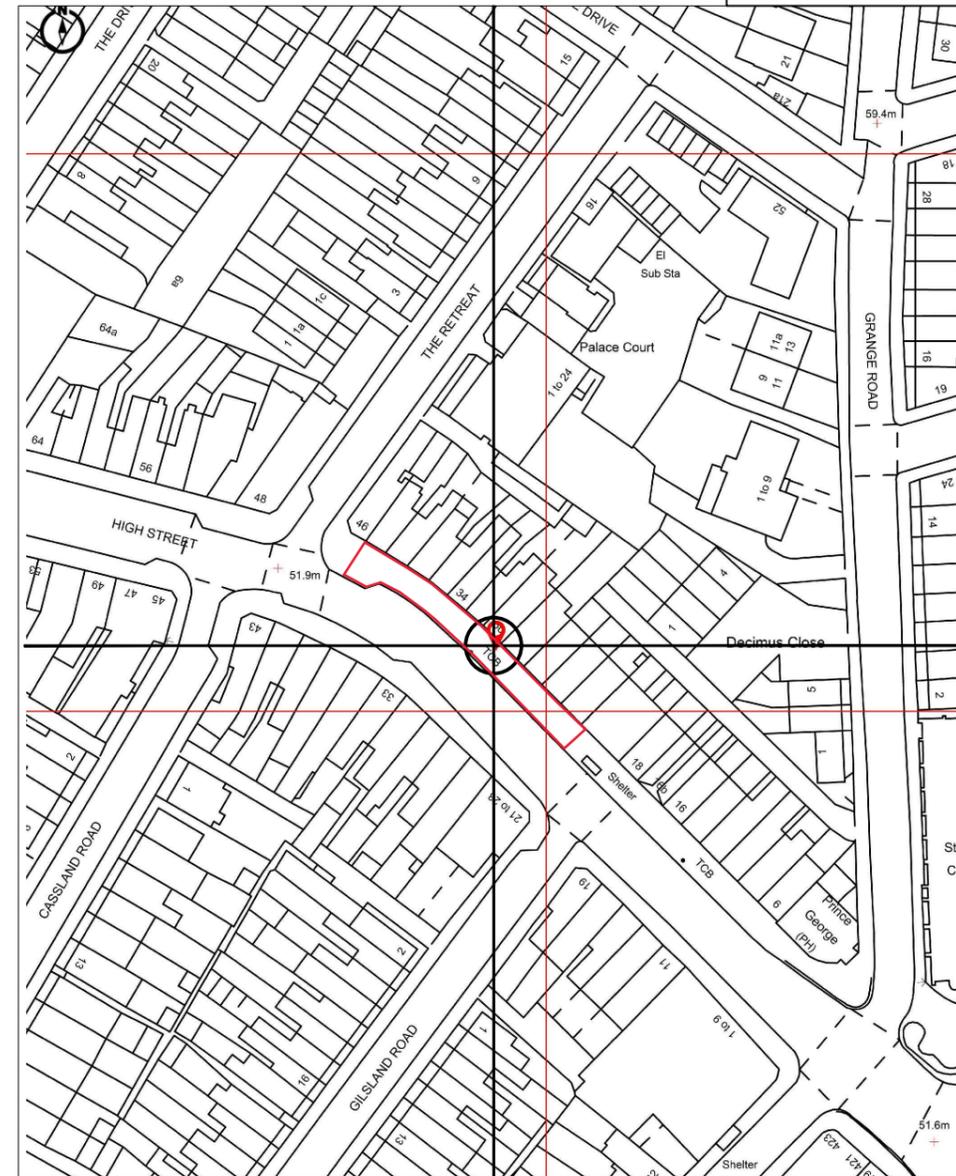
- 1) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).
- 2) The minimum display time for each advertisement shall be 10 seconds. There shall be no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.
- 3) The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

END OF SCHEDULES OF CONDITIONS



SITE LOCATION
SCALE 1:50000

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DETAILED SITE LOCATION
SCALE 1:1250

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GENERAL NOTES
Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

LAT 51.398321 LONG -0.09398

Rev	Date	Description	Drawn	Chkd
A	29.05.21	New BT Streethub Structure	MD	JE

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PLANNING

Cell No. & Name
CYN034

Site Name & Address
o/s 32-34 High Street, Thornton Heath, Croydon, CR7 8LE

Drawing Title
SITE LOCATION MAPS

Scale	As Shown	Date	29.05.2021
Drawn By	MD	Checked By	JE
Drawing Number	001	Revision	A

BT Street Hub
Proposal Renders
2021



mono#

