

Appeal against the London Borough of Hillingdon Council's refusal of Full Planning and Consent to Display Advertisements

Appeal Site:

Pavement o/s Barclay's Bank, 142 High Street, Uxbridge, UB8 1JX (E505486 ,N184253)

Our BT Street Hub Ref:

HILL010

Council LPA Ref(s):

76747/APP/2021/3448 - Appeal A

76747/ADV/2021/43 - Appeal B

Proposal:

Removal of (2) existing BT payphones and the installation of (1) freestanding BT Street Hub providing free ultrafast Wi-Fi and other community services and with excess space returned to the community.

Associated BT Public Kiosk Removals:

Pavement o/s Barclay's Bank, 142 High Street, Uxbridge, UB8 1JX (E505486 ,N184253)

Pavement o/s 84a Sweetcroft Lane, Uxbridge UB10 9LG, London (E506980 ,N184467)



Image 1 – Existing



Image 1 - Photomontage

Appendix

Appendix A – Application forms

Appendix B - Developers Notice

Appendix C – Planning and design drawings

Appendix D – Full Planning application decision notice

Appendix D – Full Planning delegated decision report

Appendix E – Advertisement application decision notice

Appendix E – Advertisement delegated decision report

Appendix F - LinkNYC kiosks improving quality of life in the Big Apple

Appendix G - London Borough of Hillingdon Digital Connectivity Strategy (3 Year Plan) 2021 – 2023

Appendix H – WiFi Marketing_ What It Is and How Retailers Can Use It

Appendix I – Free Wi-Fi would encourage over 80 per cent of shoppers to visit local retailers

Appendix J – Appeal Ref APP/R5510/Z/19/3225667 BT InLink Kiosk Fronting 157-158 High Street,
Uxbridge UB8 1JY BY Mr A Bremford

Appendix K - Appeal Ref APPT5150Z183201678 o/s Peakcocks, 47-51 High Street, London NW10 4NJ
by Mr G Wyatt

Appendix L –Full Planning Approval Delegated Report Kilburn High Road (LPA Ref 19/1997)

Appendix M - BT Anti-Social Behaviour (ASB) Management Plan Street Hub

Appendix N – Appeal APP/Z4310/W/18/3205104 and APP/Z4310/W/18/3205102 Church Street
(Outside No.1-5 Forever 21) by Mr A McGlone

Introduction

For the avoidance of background reputation so far as is practicable in this appeal statement, the appointed Inspector is respectfully asked to refer to the documents submitted as part of the full planning permission and advertisement consent submission.

The proposed development is a freestanding Street Hub unit which forms an integral part of a new city-wide network across Hillingdon, based on upgrading the existing BT estate of public call boxes. The Street Hub network will provide the residents and visiting populations with an unprecedented suite of essential urban tools, including free ultrafast Wi-Fi, phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring.

This appeal proposal is part of a wider roll out of Street Hub units across Hillingdon and will bring forward significant social, economic and technological benefits to the public. Street Hubs seek to upgrade their existing BT estate, by associating two kiosk removals for every one new unit, in which the fall-back position is the retention of the existing payphone infrastructure.

A combined application for planning permission and consent to display advertisements were submitted to the Council on 10th September 2021 (Appendix A), where applications ran in parallel and were refused on 13th January 2022. (Appendix D and E). The appellants statement of case against each of the reasons of refusal are set out as follows.

The Positive Case for Street Hub

Beforehand, this statement will outline in greater detail the public benefits of the Street Hub proposal and how it is supported by relevant planning policies. The NPPF states in para 202 *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. We would state that the Council has made only a cursory attempt at balancing and weighing the advantages with the impacts for each site. We have outlined in detail the tangible benefits, but we would go further by highlighting how this proposal and the overall strategy will help deliver the goals of the Digital Strategy. Whilst it is acknowledged that the proposed Street Hub will have negative impacts, from an objective perspective, these are outweighed by the significant benefits provided by the the proposed unit which this appeal will compare.

National Planning Policy Framework 2021

Paragraph 114 of the NPPF stipulates that *'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'*. As one of primary purposes of the proposal, this is provided by the Street Hub unit and clearly contributes to the achievement of the policy.

Paragraph 115 goes further by stating the *'Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate'*. The design of the proposal as an advertising column, similar to well established street furniture such as JC Decaux units,

provides WiFi capability but also crucially small cell coverage and capacity for 5G services. All of this is camouflaged within the unit, contributing to the extension of the 5G network which undoubtedly become an contentious issue in the near future.

London Plan 2021

Policy SD6 outlines that *'The vitality and viability of London's varied town centres should be promoted and enhanced by delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport' and 'supporting the role of town centres in building sustainable, healthy and walkable neighbourhoods with the Healthy Streets Approach embedded in their development and management'*. The services provided by Street Hub are award winning in terms of their accessibility to all, something that the redundant kiosks are not. The free WiFi undoubtedly encourages greater activities noted above, with the provisions of improved access WiFi and cellular services that are essential to modern wayfinding.

Policy SD6 continues to discuss that the *'adaptation and diversification of town centres should be supported in response to the challenges and opportunities presented by multi-channel shopping and changes in technology and consumer behaviour.'* Online services have become a key feature of modern life and free WiFi, consciously or not, is something that improves the quality of experience in a town centre. If the experience is positive, people will return and this is something that Street Hub contributes to. This also supports Policy E10 Visitor Infrastructure, which the use of Street Hub units from other parts of London, the UK and other major cities such as New York has been shown to greatly improve the visitors experience. Please refer to Appendix F or the link below.

<https://www.retailcustomerexperience.com/articles/linknyc-kiosks-improving-quality-of-life-in-the-big-apple/>

Policy D5 states that *'Boroughs, in preparing their Development Plans, should support the creation of inclusive neighbourhoods by embedding inclusive design, and collaborating with local communities in the development of planning policies that affect them.'* As outlined above, BT sought and obtained the support of the Neighbourhood Manager and Dawn Butler who is the local MP. Whilst we respect the position by the Council Directors, the support of those who directly represent the local community is of considerable weight to the proposal. D5 continues that *'Development proposal should achieve the highest standards of accessible and inclusive design. They should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment'*. As outlined above, the Street Hub is recognised as being accessible to all without exception.

Policy HC6 Supporting the night time economy states that *'In Development Plans, town centre strategies and planning decisions, boroughs should promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, and town centres where public transport such as the Night Tube and Night Buses are available'*. Hillingdon Council encourages the night time economy and in terms of access, inclusion and safety, the Street Hub will play an important role in facilitating this.

London Borough of Hillingdon - Local Plan Part 2 Development Management Policies - Adopted Version 16 January 2020

Policy DMTC 3: Maintaining the Viability of Local Centres and Local Parades states that *'The Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve.'* One of the features that

contributes to the viability of town centres is the availability of public call boxes. The proposal seeks to replace an increasingly outdated mode of communication replacing it with the modern Street Hub and the advanced features that it offers. One of the features, although diminished in importance by the Council in the Delegated Report is the provision of free WiFi, which as outlined by Appendix F, H, and I actively encourages people to visit town centres. This in turn enhances town centres and contributes to the achievement of the policy.

Policy DMT 4: Public Transport states that *'The Council will support and promote the enhancement of public transport facilities, which may include improvements to infrastructure to support cycling'*. Paragraph 8.22 continues that *'Walking and cycling are sustainable methods of travel, which free up space on public transport and roads and thereby help to address issues relating to capacity and congestion. They also help to improve air quality, local amenity and reduce noise nuisance'*. As outlined above, one the key features is an interactive wayfinding fuction which promotes alternative modes of transport and meets the aspiration of the policy.

Policy DMHB 21: Telecommunications outlines in clear terms the context that telecommunications development will be permitted. In particular, the policy states that *'there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest'* and this will be discussed in greater depth below. In terms of the positive case for Street Hub, the roll out of 5G network is continuing at apace and the constant issue of providing effective coverage to areas such as the above is a constant source of frustration for all parties concerned. The under-appreciated benefit of the Street Hub is that it offers the area small cell 5G coverage with inbuilt equipment, in a manner that does not impact on the integrity or visual amenity of the heritage asset in the same way as traditional installations.

London Borough of Hillingdon Digital Connectivity Strategy (3 Year Plan) 2021 – 2023 Appendix G

Although not part of the Development Plan, we also highlight that the proposal will also support the aims of the Hillingdon Digital Strategy. The Forward section of this strategy includes the following objective:

"Digital Connectivity – mobile and fixed connections to the internet – is becoming more and more important to Residents and local businesses and in many ways is becoming the 'new utility' in most people's lives. We are now living in an era of increasing digitisation across all industries. Digital Connectivity will have a more and more profound impact on the way we live, work, travel, connect with others and manage our lives. Digital Connectivity is increasingly becoming an important consideration in domestic and business location choices, particularly as online presence is becoming a more important channel. Many Authorities are using Digital Connectivity as a way of regenerating town centres and attracting footfall back onto high streets."

Under the Strategic Framework, the activity Digital Place identifies the outcome to *"Enable fast network coverage and eradicate low connectivity points for residents and businesses using 5G and Fibre"*. A project aim is to *"Develop a 'levelling up' programme to improve digital connectivity standards and bring greater investment into the North of the Borough and improve connectivity standards to a consistent level across the Borough"*. Under the project to provide Public Hotspots, the outcome is to *"Implement new digital access points and WIFI network"*.

The Strategy includes a project aimed at Digital Inclusion and identifies the intention to *"Develop a comprehensive Strategy & plan for promoting digital inclusion across multiple stakeholder and community groups"*. The project outcome is to achieve *"A comprehensive Strategy and plan to ensure*

that the right information, services and conditions are in place to enable all stakeholders to interact confidently in a Digital Place"

Digital Inclusion also includes a project for the *"Provision of assisted digital services at key Council service access points"*, which the aim is *"The provision of an assisted digital support service to assist, train and support Residents to use online services"*.

The use of Street Hub will actively contribute towards achieving these goals, as the proposed technology will unquestionably provide and extend fast digital connectivity. As a consequence, growth will improve by contributing for instance towards the evening and night time scene, Street Hubs helps to encourage greater access to public transport and sense of safety that provides reassurance that its high quality services are always available.

The following link helps to illustrate the benefits of free WiFi when provided, *'Improved shopping experience: Almost 62% of businesses that provide free WiFi report that their customers stay longer, according to Devicescape survey. This could indicate that shoppers are enjoying their in-store experiences more, and therefore willing to spend more time with your brand'*. Whilst relating to instore services, the same logic applies to the wider street scene. As such, it is clear that the longer people remain in the area, growth will increase and contribute to a good mix of use in the area. Please refer to Appendix H or the link below.

<https://www.shopify.com/nz/retail/wifi-marketing-what-it-is-and-how-retailers-can-use-it>

Furthermore, *'Some 82 per cent of British shoppers would be more likely to visit independent high street retailers if they had free Wi-Fi access, a new study has found'*. Please refer to Appendix I or the link below.

<https://businessadvice.co.uk/high-streets-initiative/free-wi-fi-would-encourage-over-80-per-cent-of-shoppers-to-visit-local-retailers/>

We would also highlight that Economic Growth Strategy specifically states that in terms of Local Context, a lack of fast digital connectivity is considered as a threat. As outlined, the installation of Street Hubs will help address this threat and therefore contribute to the strategy.

LPA Ref - 76747/APP/2021/3448 (Consent for Full Planning Permission) Appeal A

The London Borough of Hillingdon refused full planning permission of the proposed Street Hub unit for the following reasons:

“1. The proposed communications hub, by reason of its design, scale, siting, illumination and creation of additional street clutter, would harm the appearance of the surrounding townscape, Old Uxbridge / Windsor Street Conservation Area and the settings of the adjacent Grade II listed buildings. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, 3, 4, 11, 12, 13A, 15 and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies HC1, D3, D5, D8 and T2 of The London Plan (2021), and the National Planning Policy Framework (2021).”

Matters relating to more so to the illumination of the advertisements should be covered in the advertisement consent element of this case, which sits in parallel to the full planning aspect of this appeal. In this respect the full planning part of this appeal should cover the siting and appearance of the unit itself, as well as the in built features the Street Hub offers for the publics benefit.

Street Hub is clearly a modern form of development, and in many ways its innovative design attributes reflect the technological advancements within the field of electronic communications over the course of the last decade. In order to accommodate the equipment necessary to provide the immediate and future benefits to the area as previously outlined including the advertising feature, the unit has to be the height and design that is proposed. Whilst there will always be some degree of harm from any form of development, the positive impact that the proposal will bring to the area will outweigh the negatives.

The proposed location of the Street Hub on Belmont Road is within a retail and commercial street that has premises with bright well lit and vibrant frontages. When viewed within the overarching context of Belmont Road, given its exceptionally slender design compared to the established kiosks, it will assimilate well into the surrounding street scene. The Street Hub's modern and streamlined appearance will represent a significant improvement on the outdated and visually uninspiring kiosk that it will replace. It is contended therefore that the proposal fundamentally seeks to improve the amenity of this section of Belmont Road, in keeping with the retail character of its wider context. In terms of the suitability of the area in general, it is clear that a commercial and busy public transport area is ideally suited for this type of development.

Whilst it is acknowledged that the proposal is within Old Uxbridge / Windsor Street Conservation Area, we would argue that the suitability of the proposed location outweighs the sense of impact given that it is located on the edge of the designated area. That being said, it should be noted that the appeal site is offset from the buildings frontage in which the proposed location of the Street Hub sits outside of the direct view and therefore the impact would be less than substantial.

With regard to issue of the impact of the site on the public realm, it is felt that the removal of the existing telephone kiosk will fundamentally improve the overall street scene. Although their existence is required to conform with the terms of BT's USO agreement with Ofcom, it could be said that their outdated appearance detracts from the setting of the townscape and this is noted in the Councils Delegated Report. We would contend that the removal of the kiosk and replacement with a black colour designed Street Hub will integrate well with the other existing street furniture. The report also notes that the proposed Street Hub is 'notably taller' than the existing kiosk, but the difference will only be 20cm which when viewed in the context of the townscape as a whole will be barely noticeable. Image 3 shows the view of the site from the immediate area and illustrates the point.



Image 3

In terms of policy BE1, it is accepted the proposed Street Hub is a striking feature to the public realm. However, in addition to the points made above the site is not in an isolated and exposed location or overbearing in the overall context of the street scene, given that the existing street furniture (the telephone kiosk and bus shelters etc) are considered to be accepted features of the townscape. The location of the Street Hub beside the bus stop provides context and the modern design compliments the area as a whole. We would refer to central theme in support of the scheme, that the benefits of the proposal outweigh the negative impact and therefore complies with para 202 of the NPPF.

We would also argue that there is precedent for this type of development in the form of the existing phone kiosk with an illuminated advert, albeit only on one side and the bus shelter that also has two illuminated adverts facing the footway. We would contend that there are transferable points to the proposed Street Hub in which clearly there has been an acceptance of structures with illuminated advertisement on the same street.

A similar redevelopment was allowed by Appeal Ref APP/R5510/Z/19/3225667 (Appendix J) and is 85m to the south of the site on Belmont Road. Whilst it is acknowledged that development is for the 1st generation Street Hub design (referred to as InLink), there are transferable points. For instance, the Inspector recognised that *'Most of the commercial properties in the vicinity of the site have rectangular shaped fascia signs and some have small projecting signs at the same height as the fascia signs; most of the signs are illuminated. It is a vibrant commercial area with a high pedestrian footfall. I also visited the area in the early evening after dark and saw that the illuminated signs and shop window displays in combination with the street lights give the area around the site a bright, well lit appearance'*.

There is also a recent appeal that was allowed for a development for a similar proposal to the Street Hub, in terms of size and physical appearance for a telephone kiosk with an electronic JC Decaux

advertisement in the London Borough of Brent. The proposal within a Conservation Area was allowed at Appeal Ref APP/T5150/Z/18/3201678 (Appendix K) and Inspector makes important observations regarding the impact of the proposal on designated heritage assets. There are clear transferable points and it was noted *'As the kiosk is in place, the advert would not add to the physical level of street furniture in this location. As such, it would not have any harmful effect on the Council's efforts to remove clutter'*.

As such, the appellant is confident that the proposal does not conflict with the NPPF, the London Plan or the policies from the Local Plan outlined above in the reason for refusal.

"2. The proposed communications hub, by reason of its scale and siting, would result in a reduction of the width of the public footway, disrupting the inclusive free flow of pedestrian traffic for all users to the detriment of pedestrian and highway safety, contrary to policy BE1 of the Hillingdon Local Plan: Part One (November 2012), policies DMHB15 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies T2, T4, D3, D5 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021)."

The Street Hub unit will replace two long-established payphone kiosks which occupy a larger overall footprint overall, but specifically the footprint that is currently used will remain the same. It is therefore the position of this appeal that the removal of the existing kiosks will be neutral in terms of clutter and the proposal will not create a net increase. Their removal and the installation of the new Street Hub unit will therefore have a positive impact on the area around the proposed location.

In terms of the impact of the proposed development on pedestrian movement, the unit will not place any greater burden on Belmont Road. The remaining footway will have 3.79m clear space and slightly less if someone is using the tablet, which easily meets the 'double buggy' test for anyone passing by and the precise location of the Street Hub actually increases the amount of clear space. The location was chosen specifically because of its location on the widest part of the pavement and away from the seating area so as to minimise any sense of an overbearing presence. The Street Hub is located immediately beside a large bin and bus shelter that already impacts pedestrian movement and therefore the impact will be negligible.

The reason for refusal states that there is concern for highway safety, but we would highlight that the existing kiosk occupies the same amount of space on the footway and there is no evidence to suggest that it will adversely affect pedestrian safety. We would refer to the numerous consents that have been granted to JCDecaux for similar structures in similar locations throughout London, that are for digital advertisements only and unlike Street Hub units offer no other public benefits to the local area or community. For instance, application reference 19/1997 (Appendix L) was supported and approved despite local objections, with the Delegated Report stating *'there are no concerns regarding obstruction to movement through the site or alternatively, any likelihood of the associated signage to distract road users'*. Whilst it is acknowledged that this is a very different location to Belmont Road and every site should be seen on its own merits, there are clear transferable points regarding pedestrian safety. The location on Kilburn High Road is a main thoroughfare to Kilburn Underground Station and would be subject to considerably greater footfalls and traffic than those that use this section of pavement at the appeal site. As such, we would argue that there is not impediment to highway safety.

As we have outlined, the proposal is a well designed structure with advanced technology and public benefits that no other similar proposal is able to match. We would state that the combination of the design and public benefits provided will make the immediate area and Hillingdon overall more welcoming and accessible. Whilst we acknowledge that the Council generally discourages

advertisements in areas of high footfall, there is clearly a precedent in for this in the area as a whole and the Council themselves acknowledge that they have their own strategy for advertisement units throughout the Borough. In this respect as the Street Hub replaces on-site kiosks its siting within a busy street will not clutter the public realm.

“3. The proposed communications hub, by reason of its design, scale and siting would result in obstructions to sight lines for public realm users having an adverse impact on perceived safety and increased risk of crime and public safety implications, contrary to policy BE1 of the Hillingdon Local Plan: Part One (November 2012), policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies D3 of the London Plan (2021) and the National Planning Policy Framework (2021).”

Before we address the points highlighted in the reason for refusal, we would note that the Metropolitan Police have not objected to the proposal and no evidence has been presented to support the statement. As such, we would respectfully consider that the view taken by the Officer is speculation.

BT has been proactive on this subject and their Anti-Social Behaviour Management Plan (Appendix M) was prepared to address this issue. The risk of crime, disorder, and the perception of it arising from a proposed use is a material planning consideration, however, it must be based on sound reasons and there needs to be reasonable evidence to basis it on.

Perceived crime was a raised in the West Midlands Probation Committee v SSE and Walsall MBC [1997], planning law court case involving an application for planning permission to extend a bail hostel. The judge said in the case that: *“I respectfully draw from that guidance the conclusions that (ii) fear and concern must be real, by which I would assume to be required that the fear and concern must have some reasonable basis, though falling short of requiring the feared outcome to be proved as inevitable or highly likely; and (ii) the object of that fear and concern must be the use, in planning terms, of the land. As we have seen, Pill LJ went to some trouble to demonstrate that it was the use of the land as a bail hostel, and not just the behaviour of some of the hostel's occupants, that grounded the legitimate concern: however much that behaviour was relied on to demonstrate the nature and likely effect of that use.”*

With regards the issue of crime the LPA have not based their reason of refusal on any site-specific evidence, in which their comments appear to be a sweeping statement to cover all the application sites and/or associated kiosks earmarked for removal. They go as far as saying, that the Met Police were consulted on the applications and did not submit objections but made them aware of crime risk areas and so if approved the Met Police would recommend reducing the units functionality. The Anti-Social Behaviour Management Plans addresses the potential issue of misuse directly and as BT are the sole provider of the embedded technology, working closely with the Met Police, they can make changes in real time to individual Street Hub units and across the whole estate. Indeed, BT have seen criminal activity around the use of Street Hubs fall since these measures have been put in place, however, if there are any known areas of criminal activity in the vicinity of any the appeal sites, or indeed at any BT kiosks, then once information is received and addressed through coordinated response with the Metropolitan Police. (Appendix M)

The Council cite the conflict with policy D3 as a reason for refusal and we would argue to contrary, that the proposal is in full compliance and supports the policy. For instance, the Street Hub concept is designed specifically to *‘encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples’ movement patterns’*. Furthermore, the Street Hub is a highly design unit that *‘that pays*

attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well'.

Conclusion

In conclusion, the delegated report states that *'the proposed BT Street Hub, for reasons stated above, would result in less than substantial harm to the conservation area and setting of the Listed Buildings (Paragraph 202 of the National Planning Policy Framework) which would not be outweighed by the limited public benefits of free Wifi, calls and USB charging adjacent to the hub'*. However, this appeal has set out in greater detail the multitude of positive features that will benefit the community and businesses locally and throughout the Borough.

The proposed Street Hub unit which will not appear out of context within this busy urban environment, nor will it represent a particularly dominant or overbearing feature within the street scene, given that it is directly replacing two payphone kiosks. It represents a significant improvement to the fall-back position of the existing kiosks being retained in which the Street Hub is a form of development that is positively encouraged by the NPPF. It is considered that there will be less than substantial harm to the significance of a designated heritage asset, in which any such harm is outweighed against the public benefits of the proposal most notably the array of features it offers as well as securing the appeal site's optimum viable use by replacing existing public call boxes. In this respect, it is concluded that full planning permission should be allowed.

LPA Ref. - 76747/ADV/2021/43 (Consent to Display Advertisements) - Appeal B

The London Borough of Hillingdon determined to refuse consent for the display of advertisements for the following reasons:

"1. The associated advertising on the communication hub by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the character of the area, street scene, visual amenities and the wider Old Uxbridge/Windsor Street Conservation Area. The advertisement would fail to preserve or enhance the significance, character or appearance of wider listed buildings and would therefore be detrimental to the significance of designated heritage assets which are located within the immediate vicinity of the site. The proposal is therefore contrary to Policies HE1 and BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 1, 2, 4, 11, 12 and 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy HC1 of The London Plan (2021); and the National Planning Policy Framework (2021)."

The reasons for refusal noted above and the delegated report are the same as for Appeal A, so in order to avoid repetition please refer to those responses.

Before we address this reason of refusal and comments in the delegated report, we would note that the proposed adverts are at pavement level like those found on the existing kiosk. Albeit they are not of a digital format, it should be acknowledged that the existing kiosks display advertisements, which should be given material weight in the determination of this case.

As made abundantly clear within the original application documents, the proposed screens can display a series of static images, which will feature no moving elements or dynamic displays. The method of illumination and suggested speed of change between each advert will be in strict accordance with well-established parameters and professional guidance, that was included as part of the submission. It is argued therefore that these elements can reasonably be controlled via condition.

The reason for refusal states that the advertisement will *'fail to preserve or enhance the significance, character or appearance of wider listed buildings and would therefore be detrimental to the significance of designated heritage assets which are located within the immediate vicinity of the site.'* However, as Image 3 helps to illustrate the proposed Street Hub is not within the curtilage, sphere of influence or even on the same street as the Listed Buildings and as such any impact would be less than substantial. The appeal site is found on a well-lit, footpath alongside high street stores which have vibrant shop frontages. In terms of the kiosks that are to be replaced, which contain advertisements of similar size to those incorporated in the proposed Street Hub, it is considered that the illuminated screens would have a neutral impact on the character, appearance and setting of the townscape. The area is relatively clutter free, which we accept that the Council would wish to maintain, but as a replacement for an existing kiosk the impact is therefore neutral.

The appeal for the first-generation Street Hub on High Street that was allowed (Appendix J) notes *'Notwithstanding that the site lies just within the CA and the presence of the historic buildings beyond the pedestrianised section of the High Street, the proposed advertisement would be seen, from both directions along the High Street, within the backdrop of the surrounding modern commercial buildings and street furniture. Although the digital nature and sequential changes of image of the advertisements would differ from other advertisements associated with the commercial premises in the area, given the high level of existing street furniture and the location of the site amongst the mainly modern retail buildings and their illuminated fascia signs, the proposed advertisement would not appear out of place nor attract undue attention'.*

With regard to APP/Z4310/W/18/3205104 (Appendix N), the Inspector took into account the Saved Policies cited by the Planning Authority's decision in terms of the impact of the proposal on the amenity in a similar and comparable setting. It was noted *"the advertisements would be acceptable in terms of visual amenity and, thus, the character and appearance of the surrounding area. Thus, Appeal B would not conflict with the policies set out above"*.

We would also refer Appeal Ref APP/T5150/Z/18/3201678 in Brent (Appendix K). As outlined above the development is similar and also in a Conservation Area, however it is also within the immediate vicinity of a Grade II Listed Building and the Inspector made the following conclusion when the appeal was allowed:

"While the illuminated advert would alter its appearance, the overall impact from wider views would be minimal. The advert would be seen on the pavement edge connected to an existing structure and thus it should not harmfully obstruct views of the Jubilee clock which is situated some distance from the existing kiosk, or have any effect on those characteristics of the HCA which give it its significance, particularly in terms of the historic layout or quality of its buildings. I am satisfied therefore that the advert would not have an unacceptable effect on the visual amenity of the area. Consequently, it would have a neutral impact on the character and appearance of the HCA and the setting of the nearby listed buildings".

Whilst we again acknowledge that all sites must be assessed individually against their merits, it is clear that these types of proposals do not adversely affect the visual amenity, character and appearance of the area. The only significant feature that diverges from the existing kiosk is the proposed unit having illuminated advertisements on both sides of the installation. Given that the adjacent bus stops all have more than one illuminated screen, there is clearly context that allows the additional advert screen to be acceptable at this location without impacting amenity in the area. It is therefore considered that the illuminated screens would have a neutral impact on the character, appearance and setting of the area.

In terms of the impact of the advertisement screen and lighting, the appeal site is found on a well-lit street alongside buildings with retail frontages which are not seen as overly sensitive properties as would be implied by the Council in their decision. It is also found near to the adjacent bus stop with a similar advertisement screen and taking into account the kiosks that are to be replaced are lit and contain advertisements, it is considered that the illuminated screens would have a neutral impact on the character, appearance and setting of the area.

Conclusion

In conclusion, as discussed the proposed Street Hub unit is a small-scale development which will not appear out of context within this busy urban environment. It represents a significant improvement to the fall-back position of the existing kiosks being retained in which the Street Hub is a form of development that is positively encouraged by the NPPF to harness improved digital connectivity and the usage of camouflaged existing features to provides cellular services.

It is considered that there will be less than substantial harm to the public realm, in which any such harm is outweighed against the public benefits of the proposal most notably the array of features it offers as well as securing the appeal site's optimum viable use by replacing existing public call boxes. Therefore, when balanced with the tangible public benefits that will bring and the superior design of the BT Street Hub, when compared to the kiosks it would replace, it is considered that there would be

less than substantial harm to the public realm and townscape, so much so that the appeal for consent full planning consent and consent to display advertisements should be allowed.