
Appeal Decision

Site visit made on 6 June 2017

by C J Ford BA (Hons) BTP Dist. MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

Appeal Ref: APP/E5330/Z/17/3171933

Public footway, Vincent Road, Woolwich, London SE18 6ET

- 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 Mohamed Ahmed (JCDecaux UK LTD) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 16/1565/A, dated 22 March 2016, was refused by notice dated 23 February 2017.
 - The advertisement proposed is a double-sided freestanding forum structure, featuring 2 x Digital 84" screens positioned back to back.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The parties have drawn attention to Development Plan policies, the National Planning Policy Framework and Planning Practice Guidance which they consider are pertinent to this appeal. In particular, it is noted that Policy 6.10 of the London Plan 2016 seeks high quality pedestrian environments whilst Policy DH(f) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014, specifies that express consent will normally be given for advertisements provided they do not adversely affect public safety including pedestrians and drivers. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations regarding advertisements.

Main Issue

3. The Regulations stipulate that control may only be exercised in the interests of amenity and public safety. As the Council has not raised any concerns in respect of amenity, the main issue in this appeal is the effect of the proposed advertisement on public safety, with particular regard to pedestrian movement on Vincent Road.

Reasons

4. The forum structure would visually form the south-eastern end of an upgraded bus shelter on Vincent Road. An initial site plan indicated a 1.5m distance between the kerb and the shelter. During the Council's consideration of the

application, a revised site plan was submitted which showed a distance of 2.4m.

5. The Council's Officer Report states that the Council's Transport and Highways requested that the distance between the panel and the kerb should not be less than 2.1m, in the interests of pedestrian safety. The Council's refusal of the application derives from a belief that it is unlikely the shelter would be positioned close up to a wall running to the rear, as shown in the plans, owing to a probable need to cater for the wall's foundations, services in the footway and maintenance of the shelter. The Council notes that the existing shelter is positioned around 0.5m from the wall and a comparable off-set would reduce the 2.4m to 1.9m, below the required 2.1m.
6. The Council's valid concerns indicate that the revised plan does not clearly show where the shelter would be positioned on the pavement and likewise the advertisement panel. Furthermore, the appellant's grounds of appeal relate to different applications and different Council areas. As a consequence, the appellant has not provided evidence that addresses the Council's specific concerns.
7. In the absence of an accurate site plan and clear evidence that the position of the panel would meet the required minimum 2.1m set back from the kerb, I am unable to conclude with any certainty that the proposal would maintain public safety, with particular regard to pedestrian movement on Vincent Road.

Conclusion

8. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON