



Appeal Decision

Site visit made on 22 December 2017

by **Peter D Biggers BSc Hons MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2018

Appeal Ref: E5330/Z/17/3182700

55-61 Eltham High Street, Eltham SE9 1TD

- 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 New World Payphones (Matthew Coe) against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 16/2612/A, dated 10 August 2016, was refused by notice dated 26 June 2017.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated digital panel as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The digital panel hereby granted consent shall not display any moving images, animation, flashing, scrolling or video and no visual effects including fading, swiping or animation shall accompany the transition between any successive advertisements, images or messages.
 - 2) The advertisements, images or messages displayed on the digital panel shall not change more than once every 10 seconds.
 - 3) Sequential advertisements, images or messages displayed on the digital panel shall not relate to the same product.
 - 4) The intensity of the luminance of the advertisements displayed shall be no greater than 280 cd/m² between sunset and sunrise.

Procedural Matters

2. This appeal is one of 3 concurrent appeals by the same appellant on Eltham High Street the others being E5330/Z/17/3182697 and E5330/Z/17/3182703 and which are dealt with in separate decision letters.
3. From the information before me it is clear that it is intended that the advertisement, the subject of this appeal, would be displayed on a replacement kiosk to the front of 55-61 Eltham High Street. The proposal is for an illuminated digital advertising panel integrated into the rear of the kiosk. Whilst comments relating to the visual and functional benefits of the new kiosk are noted, the replacement of the public call box is not before me. The appeal in

this case is made against the refusal of express consent for the digital display panels on the rear of the kiosk structure and it is the effect of this advertisement that is at issue in the appeal. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007, make it clear that advertisements are subject to control only in the interest of amenity and public safety.

4. The Council has drawn my attention to Development Plan policies from *The London Plan (2016)*, and the *Royal Greenwich Local Plan Core Strategy and Development Policies (RGLP)* which they consider to be relevant to this appeal. Whilst S38(6) of the Town Planning and Compulsory Purchase Act 2004 does not apply to advertisements, I have taken the policies into account where material in accordance with the Regulations.

Main Issue

5. The main issue is the effect of the advertisement display panel on public safety, with particular regard to highway safety.

Reasons

6. The current telephone kiosk, complete with fixed static advert panel, sits immediately outside McDonalds at Nos 55-61 Eltham High Street. The kiosk is sited about 10 metres east of the pedestrian crossing across Eltham High Street at its junction with the A208 Court Road and Well Hall Road. The replacement telephone kiosk to house the digital advert display panel would be sited in the same location with the panel facing west towards the junction.
7. The junction is fully light controlled where pedestrians cross on an 'all pedestrian phase' during which there is no other moving traffic. The pedestrian phase also has safe crossing count down indicators. Although the advert display panel would be visible to pedestrians crossing west to east across Well Hall Road the overall size of the panel would be relatively small and at some distance to the crossing. It would also potentially be in the line of sight of pedestrians looking to cross north to south on Eltham High Street. However subject to the imposition of some additional conditions controlling the transition of the adverts shown on the panel I am not persuaded that the display would be so distracting to pedestrians that they would make erratic or ill-judged movements approaching this major and busy junction.
8. With regard to vehicular traffic, the main west to east flow on Eltham High Street where drivers would be approaching the advert display panel would be in a dedicated green phase giving right of way to vehicles with pedestrians held on all legs of the crossing on a red phase. Moreover the horizontal geometry of Eltham High Street approaching from the west is such that forward visibility to the telephone kiosk and advert panel would be impossible until vehicles were virtually at the junction. Drivers would see the traffic signal heads showing red or green as they rounded the churchyard wall and would have responded accordingly before they saw the advert display panel approximately 40 metres distant. Similarly in respect of vehicles approaching on the cross route from the north or south the panel would not be in their direct line of sight and when turning towards the display panel drivers would be moving on a controlled green phase, again when all pedestrians would be held on a red light.

9. It has been put to me that the illuminated panel would be particularly distracting during the hours of darkness. However I have been referred to the fact that the proposed level of luminance would be well within the levels recommended by the Institute of Lighting Professionals for installations located in commercial areas. Subject to a condition restricting the level of luminance to no more than 280 cd/m² and given the level of illuminated signage generally in this busy commercial High Street, the lighting from the panel would not be unduly distracting.
10. I have had regard to policy DH(f) of the Royal Greenwich Local Plan regarding adverts which amongst other things seeks to ensure there would be no adverse effect on public safety. For the reasons above there would not be a material impact on public safety and the policy does not bring me to any different conclusion.

Conclusion

11. The *Planning Practice Guidance* at paragraph 68 sets out the main types of advertisement which may cause danger to road users. For the reasons given above and subject to the imposition of conditions additional to the standard conditions set out in the Regulations, I conclude that the advertising display panel would not conflict with the Guidance and would not be detrimental to public safety. In the interest of minimising the potential for driver and pedestrian distraction I have attached conditions restricting the display of moving images and controlling the method of change between adverts. For the same reason I have also imposed conditions controlling the frequency with which adverts would change and restricting the use of sequential successive images and the luminance of the displays during the hours of darkness. These conditions were not suggested by the council and therefore I have separately consulted both the appellant and the Council on the intended conditions. Both parties have agreed the conditions would be appropriate in the event the appeal is allowed.
12. With these additional conditions imposed the appeal should be allowed and express consent granted for the advertising display.

P. D. Biggers

INSPECTOR