



Appeal Decisions

Site visit made on 19 August 2019 by C Brennan BAE (Hons) M.PLAN

Decisions by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Both appeals

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeals are made by British Telecommunications Plc against the decisions of the Council of the Royal Borough of Greenwich.
 - The adverts permitted are the installation of two internally illuminated digital LED screens to both sides of replacement free standing InLink Payphone.
 - The conditions in dispute are No 2(a) in both consents which state that: *The advertisement hereby granted consent shall not be retained on the site after the expiry of 5 years from the date of this decision.*
 - The reason given for the conditions is: *To comply with the requirements of Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*
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Appeal A Ref: APP/E5330/Z/18/3217164

Existing BT payphone on highways land, Thomas Street, Greenwich, London, SE18 6HU

- The application Ref 18/1969/A, dated 8 June 2018, was approved on 2 October 2018 and advertisement consent was granted subject to conditions.
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Appeal B Ref: APP/E5330/Z/18/3217168

Existing BT payphone on highways land, Powis Street, Greenwich, London, SE18 6HZ

- The application Ref 18/1954/A, dated 8 June 2018, was approved on 2 October 2018 and advertisement consent was granted subject to conditions.
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Decisions

1. Appeal A is allowed and advertisement consent, Ref 18/1969/A, for the installation of two internally illuminated digital LED screens to both sides of replacement free standing InLink Payphone at Existing BT payphone on highways land, Thomas Street, Greenwich, London, SE18 6HU granted on 2 October 2018 by the Council of the Royal Borough of Greenwich is varied by deleting condition No 2(a).
 2. Appeal B is allowed and advertisement consent, Ref 18/1954/A, for the installation of two internally illuminated digital LED screens to both sides of replacement free standing InLink Payphone at Existing BT payphone on highways land, Powis Street, Greenwich, London, SE18 6HU granted on 2 October 2018 by the Council of the Royal Borough of Greenwich is varied by deleting condition No 2(a).
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Appeal Procedure

3. The site visits were undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeals.

Procedural Matters

4. Due to a clerical error, the appeals were validated under the Commercial Appeals Service (CAS) which follows the procedure set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations) (England) 2009 Regulations. Under this appeal procedure, interested parties and the Council do not have the opportunity to provide further comment or representations to the appellant's statement of case. However, these appeals should have followed the procedure as set out in Part 2 of the 2009 Regulations, where the Council and interested parties do have the opportunity to provide further comment.
5. The Council were informed of this error and were requested to notify interested parties of the appeal. The Council and interested parties then had 14 days from the date of the notification letter to comment on the appellant's statement of case. As this notification has been completed, no parties have been prejudiced in the determination of these appeals.

Main Issue

6. The main issue in both appeals is whether the condition is necessary or reasonable in the interests of amenity or public safety.

Reasons for the Recommendation

7. The site in appeal A comprises an InLink unit on the eastern side of Thomas Street. The site in appeal B comprises a payphone kiosk on the eastern side of Powis Street.
8. Condition No 2(a) on both consents requires the removal of the advertisements at the end of the express consent period. It removes the appellant's right to continue to display the advertisements under deemed consent that would otherwise apply after the expiry of the express consents.
9. The National Planning Practice Guidance states that if a local planning authority decides to impose conditions that are additional to the standard conditions, these must be supported by specific and relevant planning reasons. It also states that conditions should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3 (advertisements displayed after expiry of express consent) in their area.
10. The reason for condition No 2(a) refers to the Regulations. In granting express consent the Council was satisfied that the advertisements were acceptable in terms of amenity and public safety for the standard 5 year period. This is noted in the officer's delegated reports. However, the Council provides no evidence explaining the reason for the removal of the right to continue to display the advertisements under deemed consent after the 5 year period. There is no firm evidence to suggest that the approved advertisements would cause unacceptable harm in terms of amenity or public safety following the expiration

of the 5 year period. As such, I find that condition No 2(a) on both consents is not necessary or reasonable in the interests of amenity or public safety.

Conclusion

11. For the reasons given above, I conclude that the appeals are allowed and the express consents are both varied by removing condition No 2(a).

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are allowed.

Andrew Owen

INSPECTOR