



Appeal Decision

Site visit made on 11 February 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/N5660/H/19/3239646

666A Streatham High Road, London SW16 3QL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Insite Poster Properties Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/02805/ADV is dated 31 July 2019, for replacement of an existing illuminated 48-sheet advertisement display with an illuminated D250 digital advertisement display, was granted on 12 September 2019 and advertisement consent was granted subject to conditions.
 - The condition in dispute is No 8 which states that: Upon the expiry of this consent, any advertisements hereby approved shall be removed and the use of the site for the display of advertisements shall be discontinued, and the advertisements hereby permitted shall not benefit from deemed consent under Class 14 in Part 1 of Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
 - The reasons given for the condition are:
 - a) To ensure the advertisements are removed following the expiry of the consent.
 - b) To allow an opportunity to monitor the site and surrounding for any adverse impacts upon the operation of the highway
 - c) To review the cumulative impact of advertisements on visual amenity in a potentially changing area (Policies Q17 and Q22 of the Lambeth Local Plan 2015).
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Decision

1. The appeal is allowed and the advertisement consent Ref 19/02805/ADV for replacement of an existing illuminated 48-sheet advertisement display with an illuminated D250 digital advertisement display at 666A Streatham High Road, London SW16 3QL granted on 12 September 2019 by the Council of the London Borough of Lambeth is varied by deleting condition No 8.

Main Issue

2. The main issue is whether the condition in dispute is necessary in the interests of amenity and public safety.

Reasons

3. The appeal proposal is in a prominent position on a side wall of a property next to the busy highway of Streatham High Road. However I note that in granting consent the Council Officer's report stated that the sign has no detrimental impact on amenity or public safety. Based on what I have seen and read I have no reason to disagree.

4. In support of the condition, the Council refers to the potential that the circumstances of the site could change substantially within a period of 5 years due to the nature of its location. However, there is no substantive evidence in respect of the timescale and nature of such changes, and that if these did occur whether there is a significant possibility that the sign would be unacceptable in respect of amenity and public safety.
5. In that regard, I note the Planning Practice Guidance (the 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. Due to the generalised and speculative nature of the Council's concerns I conclude that such reasons do not exist. I am also mindful that the option of a discontinuance action would be available to the Council in respect of an advertisement being displayed with deemed consent.
6. In its reason for the condition, the Council refers to Policies Q17 and Q22 of the Lambeth Local Plan 2015 (LP). Policy Q17(b) in particular states that the renewal of advertisement consents for existing large panel advertisements will be generally be resisted. However, the Guidance 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. Whilst I have had regard to the policies of the LP as a material consideration insofar as they are relevant to this proposal, this does not lead me to a different conclusion in respect of this appeal.
7. In the absence of substantive evidence that the condition is necessary in the interests of amenity and public safety, and based on my observations on my site visit, I conclude that the disputed condition is neither reasonable nor necessary. The appeal is allowed and express consent varied by deleting the disputed condition.

David Cross

INSPECTOR