



Appeal Decision

Site visit made on 28 September 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/E5330/Z/20/3250248

Os JD Sports and EE, Eltham High Street, Eltham, SE9 1BJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Limited against the decision of the Royal Borough of Greenwich.
 - The application Ref 19/3179/A, dated 11 November 2019, was refused by notice dated 28 February 2020.
 - The development proposed is described as the display of a single illuminated sequential display affixed to the frame of the communication hub.
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Decision

1. The appeal is allowed and advertisement consent is granted for the display of a single illuminated sequential display affixed to the frame of the communication hub outside JD Sports and EE, Eltham High Street, Eltham, SE9 1BJ. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candelas per square metre during the hours of darkness.
 - 2) The advertising screen shall not display any special visual effects when any image is displayed or through the transition of one image to another. The displayed image shall not include animated, flashing, or intermittent lighting designed to give the impression of movement.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the effect of the advertisement on highway safety.
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Reasons for the Recommendation

4. The appeal site is located on a pavement on the southern side of Eltham High Street, outside the JD Sports and EE shops. A three-sided payphone kiosk exists on the appeal site, and at the time of my site visit the side of the kiosk that faces east along Eltham High Street contained a non-illuminated single poster advertisement. The proposal would replace this existing advertisement with an illuminated sequential display of the same size.
5. The kiosk is in a prominent position and the existing advertisement is highly visible to road users and pedestrians approaching from the east of the site, and there is a pedestrian crossing to the west of the site. Eltham High Street is busy with cars and pedestrians. I acknowledge that the proposed advertisement would be brighter and sharper than the existing paper advertisement and that the change in the display would be apparent. However, the proposed advertisement would not obscure road users' views of the traffic lights or of pedestrians using or waiting to use the pedestrian crossing. Whilst I have taken the Council's concerns into consideration, there is little evidence before me to demonstrate that the proposed advertisement would distract drivers or cyclists to the extent that they are unable to take reasonable care of their own and others' safety, particularly given the modest scale of the advertisement panel and the clear view that approaching drivers and cyclists have of the pedestrian crossing.
6. Therefore, for the reasons given above, on the basis of the evidence before me, I consider that the advertisement would not cause harm to highway safety. The Council has drawn my attention to Policy 6.10 of the London Plan (March 2016) (LP) and Policy IM(b) Royal Greenwich Local Plan Core Strategy (July 2014) (CS), which require developments to pedestrian environments are of a high quality and safe, and to Policy DH(f) of the CS which requires advertisement displays to not adversely affect public safety including pedestrians and drivers. However, whilst I have taken the policies into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Conditions

7. The appellant suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 55 of the Framework. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.
8. The appellant has also suggested a condition to minimise any obstruction of the footpath during the installation and maintenance of the advertising panel. However, the pavement is wide at the appeal site and such a condition would not be necessary in the interests of highway safety.
9. Transport for London have suggested a condition to prevent the sequencing of messages relating to the same product. However, it has not been demonstrated how such a condition is necessary to make the proposal

acceptable or how the proposal would harm highway safety if this condition were not imposed.

10. For the reasons given above, I recommend that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out in paragraph 1.

S Ashworth

INSPECTOR