



Appeal Decision

Site visit made on 24 March 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2021

Appeal Ref: APP/N5660/H/20/3254308 34 Kennington Lane, London SE11 4LS

- 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 Global against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/00135/ADV was granted 28 April 2020. The condition in dispute is No 7 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:
To ensure the advertisements are removed following the expiry of the consent and allow an opportunity to monitor the site and surrounding for any adverse impacts upon the operation of the highway, and review the cumulative impact of advertisements on visual amenity in a potentially changing area (Policies T6 and Q17 of the London Borough of Lambeth Local Plan (2015)).
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Decision

1. The appeal is dismissed.

Main Issue

2. When the original application was considered by the Council, their Transport Planning department raised an objection on the grounds of highway safety. Transport for London (TfL) was also consulted. It raised no objections subject to conditions. However, TfL have also issued post-decision comments raising concerns in relation to highway safety, advising that the road safety risks should be taken into account.
3. In light of the forgoing, and having regard to the reason for the imposition of the appealed condition, the main issue is whether the disputed condition is reasonable and necessary in the interests of public safety and amenity.

Reasons

4. Planning Practice Guidance (the PPG) states that if a local planning authority decides to impose additional conditions to the standard conditions, these must be supported by specific and relevant planning reasons.¹

¹ Paragraph 034, Reference ID: 18b-034-20140306

5. Condition 7 has the effect of making this a temporary consent for five years. The reason for condition 7 is twofold: firstly, it was imposed to allow an opportunity to monitor the site and surroundings for any adverse impacts upon the operation of the highway; secondly, it was imposed to allow for a review of the cumulative impact of advertisements on visual amenity in a potentially changing area.

Public safety

6. The Council's Statement of Case confirms that the temporary nature of the consent reflected the concerns of the Transport Planning department in this regard. Those concerns are given added weight by the later TfL comments which, contrary to its original submissions, now raises concerns. The concerns relate to the display being immediately adjacent to a pedestrian crossing and just behind traffic lights, in a prominent location as perceived by drivers in a west-bound direction on the A3204.
7. I understand that the illuminated hoarding to be upgraded is unlawful. However, it has been on the site for a number of years and there is no evidence before me that it has presented any danger to road users during that time. The consented scheme is of a similar size and position, moreover, it is subject to a number of conditions, some of which control maximum luminance and which prevent moving/animated displays. It would, however, comprise an LED display of greater luminance than the existing hoarding. Although controlled by condition for each advertisement to be at least 10 seconds, the proposed advertisement would also allow for a much greater variety of displays in comparison to the existing, static, hoarding, and the displays would likely regularly change.
8. The proposed advertisement would therefore be more prominent, and potentially more distracting, to drivers, than the existing hoarding. I therefore find that the opportunity to monitor the site and surroundings for any adverse impacts upon the operation of the highway that condition 7 affords is necessary and reasonable in the interest of public safety.

Amenity

9. The advertisement is located on a flank wall facing onto 6-12 Kennington Lane, which is currently a warehouse with associated yard. The Council has long-term aspirations for redevelopment of this site and has previously entered into pre-application discussions regarding this. However, no information has been provided of the detail or status of these discussions, or of what type of development is envisaged. No firm evidence has been provided of development coming forward on this site. In the absence of any detail on what might be proposed, it is also not clear that the advertisement would unacceptably harm amenity even in the event of development coming forward.

Conclusion

10. Whilst I have found that condition 7 is neither reasonable nor necessary in terms of amenity, it is reasonable and necessary in the interest of public safety. On that basis, I conclude that the appeal should be dismissed.

O S Woodward

INSPECTOR