

Appeal Decision

Site visit made on 15 February 2022 by A Coombes

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/C5690/Z/21/3287467

Site Address: 57 Deptford Broadway, LONDON SE8 4PH

- 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 London Lites Ltd against the decision of London Borough of Lewisham.
 - The application Ref DC/21/122528, dated 2 July 2021, was refused by notice dated 5 October 2021.
 - The advertisement proposed is the replacement of existing internally illuminated advertisement with a LED digital advertisement of a smaller size.
-

Decision

1. The appeal is allowed, and consent is granted for the replacement of existing advertisement with a LED digital advertisement of a smaller size. 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) No individual advertisements shall be displayed for a duration of less than 10 seconds;
 - 2) The interval between successive displays shall be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays;
 - 3) The intensity of luminance of the advertisements shall not exceed 300cd/m² illumination between dusk and dawn and 600 cd/m² at other times and shall be displayed in complete accordance with the approved plans; and
 - 4) No individual advertisement displayed on the LED panels shall contain moving images, animation, video or full motion images or any images that resemble road signs or traffic signals.

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 Issue

3. The Council have not refused the application in respect of amenity. Based on my observations on site and the evidence before me I see no reason to disagree. Therefore, the main issue is the impact of the advertisement on public safety, with particular regard to highway safety.

Reasons for the Recommendation

4. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
5. The appeal site is a three-storey corner terraced property located on Deptford Broadway. It is located within a mixed-use area, with shop units at ground floor level and residential units above. The character of the surrounding area is predominantly commercial. The application seeks consent to replace the existing advertisement with a smaller, internally illuminated LED digital advertisement.
6. The advertisement would be located adjacent to a simple junction, which is controlled by traffic lights. On the site visit it was observed that, although the road is busy, traffic speeds are low. The advertisement would predominantly be visible to traffic approaching on New Cross Road with very limited visibility to traffic approaching from Tanner's Hill. It would be seen from a sufficient distance which, combined with the traffic conditions, would allow adequate time for drivers to take in the content without causing confusion. The change from a static advertisement to one that changes intermittently would not add undue distraction. Furthermore, illumination of the proposed advertisement could be controlled by condition to be of an appropriate level for its surroundings, which would mitigate undue distraction at night-time.
7. A comment was received from TFL, which noted that the advertisement would be contrary to the Mayor's "Vision Zero" objective and transport safety objectives for 2030 and 2041. However, specific details of this strategy and how it relates to the planning merits of the case have not been provided and therefore this matter is given limited weight.
8. For the reasons given above, the proposed advertisement would not be harmful to public safety, with particular regard to highway safety. Though not decisive, regard has been given to Policies DM Policy 27, DM Policy 30 and DM Policy 35 of the Lewisham Local Development Framework Development Management Local Plan (LP), adopted 2014. Together these Policies require development to create a positive relationship with the existing townscape, to harmonise with the street scene and Policy DM Policy 27 specifically requires lighting to protect local character, residential amenity and the wider public. Regard has also been given to Paragraph 111 of the National Planning Policy Framework (the Framework), which requires the refusal of development that would have an unacceptable impact on highway safety.

Conditions

9. The Council has asked for sequential images to be displayed not less than once every 60 seconds. However, I recommend that a condition requiring that

changes should not take place more than once every 10 seconds should instead be attached as this is typical of such advertisements and would not prejudice public safety. Furthermore, in line with the Council, I also recommend a condition to limit the period of sequential change between advertisements to no greater than one second, also in the interest of public safety. A condition should also be attached to control the intensity of illumination, to prevent the display of any advertisements that depict any images that resemble road signs or traffic signals and moving images and to ensure a smooth transition between images so as not to cause undue distraction and avoid implications to public safety.

10. The Council have requested much more detailed conditions, including those which seek to prohibit sequential advertisements relating to the same campaign and the inclusion of numbers in advertisements. However, the conditions that have been recommended above would adequately avoid distraction to drivers and allow for appropriate controls in respect of amenity and to avoid implications to public safety and the more detailed conditions suggested by the Council are not considered to be necessary.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

A Coombes

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 appeal is allowed.

Zoe Raygen

INSPECTOR