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## Appeal Decisions

Site visit made on 28 July 2022

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> August 2022**

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### **Appeal A Ref: APP/A5840/W/22/3293426**

#### **Pavement outside of, 45 Westminster Bridge Road, London SE1 7JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by JCDecaux UK Limited against the decision of London Borough of Southwark.
  - The application Ref 21/AP/3876, dated 5 November 2021, was refused by notice dated 31 January 2022.
  - The development proposed is the installation of an open access communication hub, following the removal of an existing communication apparatus.
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### **Appeal B Ref: APP/A5840/H/22/3293428**

#### **Pavement outside of, 45 Westminster Bridge Road, London SE1 7JB**

- 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 JCDecaux UK Limited against the decision of London Borough of Southwark.
  - The application Ref 21/AP/3877, dated 5 November 2021, was refused by notice dated 2 February 2022.
  - The advertisement proposed is an advertisement integrated into the proposed Communication Hub unit (21/AP/3876) that comprises an LCD portrait screen that will be used to show static illuminated content.
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## **Decisions**

1. Appeal A is allowed and planning permission is granted for the installation of an open access communication hub, following the removal of an existing communication apparatus at pavement outside of, 45 Westminster Bridge Road, London SE1 7JB in accordance with the terms of the application, Ref 21/AP/3876, dated 5 November 2021, subject to the conditions contained in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of the advertisement integrated into the proposed Communication Hub unit (21/AP/3876) that comprises an LCD portrait screen that will be used to show static illuminated content as applied for. 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 additional conditions contained in the attached schedule.

## **Preliminary Matters**

3. In Appeal B, I have taken the description of the proposed advertisement from the Council's Decision Notice as this is a more accurate description.

4. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the communication hub and advertisement are inextricably linked in each case. Therefore, to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on each site.
5. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration though they have not, by themselves, been decisive in my determination.

### **Main Issue**

6. The main issue in both Appeal A and Appeal B is the effect on highway and public safety.

### **Reasons**

7. The appeal site is located on Westminster Bridge Road that is a well-used highway. This section of Westminster Bridge Road consists of three lanes of traffic, one of which is a dedicated bus, motorcycle, cycle and taxi lane. All lanes carry traffic flowing in the same direction and it has a speed limit of 20mph. There are two cycle parking racks adjacent to the appeal site and a much larger cycle hire hub further along Westminster Bridge Road.
8. The proposed development involves the removal of an existing telephone kiosk with a static advertisement and replacement with a communication hub with LCD screen. The proposed advertisement would be of a similar size and siting to the existing advertisement, facing oncoming traffic.
9. The Council have outlined how the proposed development would leave a 4.7m width of clear footway, which they consider to be of a sufficient size to ensure smooth movement of all users and thus find no harm in this regard. I have no reason to form a different view.
10. Although this section of Westminster Bridge Road is relatively well-used, it does not contain any complex junctions or pedestrian crossings in close proximity to the appeal site. With a speed limit of 20mph traffic would not be travelling at speed. Additionally, there is no vehicular access onto Westminster Bridge Road from the nearby junction with Gerridge Street. The closest illuminated traffic signals are some way from the appeal site and would not be seen in conjunction with the proposed advertisement for a sufficient section of road to ensure there would be no distraction to highway users.
11. Similarly, the cycle hire hub is also a sufficient distance from the proposed installation to ensure that there would not be distraction or resulting conflict due to the proposed development or advertisement.

12. The display of static images of a restricted brightness, for a minimum of 10 seconds with an instantaneous change in display, all matters which can be secured by conditions, will further ensure that there is not an unacceptable impact.
13. Reference is made to the proposed development and advertisement being contrary to the risk-based approach outlined in Vision Zero's approach to road danger and TfL's Streetscape Guidance. Although they are material considerations, these documents do not, however, have the same weight as the development plan policies which the proposed development complies with and are therefore of limited weight in the appeal.
14. I therefore conclude that the proposed development and advertisement would not have an unacceptable impact on highway or public safety. The development would comply with Policies T2, T5 and D8 of the London Plan (2021) and Policies P51 and P53 of the Southwark Plan (2022). Collectively, these policies seek to ensure the safety of pedestrians, cyclists and all highway users.
15. The proposed development would also comply with the requirement of the Framework that seeks to promote healthy and safe communities and sustainable transport.

### **Conditions**

16. In addition to the standard five conditions, it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans.
17. In the interests of highway and public safety, conditions are necessary in relation to the advertisement containing no visual effects, having a minimum display time of 10 seconds, and any change in image being instantaneous.
18. In the interests of amenity, conditions relating to levels and hours of illuminance are necessary.
19. A condition requiring the reinstatement of the footpath is not necessary as this is a matter for the local highway authority.

### **Conclusion**

20. For the reasons given above and having had regard to all other matters raised, Appeal A and Appeal B should be allowed.

*A M Nilsson*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Images – Ref A01755 Rev A, Application Site Plan, Hub Detail – Ref A01748-55.
3. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. No images other than static images to be displayed.
4. The minimum time between successive displayed images shall be 10 seconds.
5. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm<sup>2</sup> after dusk.
6. Any change in advertisement display shall be instantaneous.
7. The advertising screen shall be switched off between the hours of 11:59pm and 6:00am.

----- End of Conditions Schedule -----

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