



Appeal Decisions

Site visit made on 29 July 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal A Ref: APP/A5840/W/22/3293400

Pavement outside of, 100 Southwark Street, London SE1 9AN

- 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/3870, dated 5 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is 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/22/3293401

Pavement outside of, 100 Southwark Street, London SE1 9AN

- 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/3871, dated 5 November 2021 was refused by notice dated 31 January 2022.
 - The advertisement proposed is Advertisement integrated into the proposed Communication Hub unit (21/AP/3870) 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, 100 Southwark Street, London SE1 9AN in accordance with the terms of the application, Ref 21/AP/3870, 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/3870) 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 both 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 is the effect on amenity, including having regard to the setting of nearby listed buildings and occupiers of surrounding properties.

Reasons

7. The appeal site is located on the north side of Southwark Street. It is outside a parade of commercial units that have their own advertisements. This side of the street also contains a distinct line of street trees. A number of the commercial units have outdoor seating areas that combined with the high level of pedestrian footfall and vehicular traffic give this part of the street an active ambience.
8. The proposed development would replace an existing kiosk that incorporates an advertisement. In addition to the street trees and outdoor seating, this section of the street includes cycle parking, litter bins and street-lighting columns.
9. In this commercialised and active context, with a notable amount of street furniture, the proposed development would not appear out of character. It would assimilate with its surroundings and would not cause harm.
10. There are a number of listed buildings on Southwark Street, the settings of which the Council consider would be harmed by the proposed development. These are all however considerable distances from the appeal site and would only be seen in conjunction with them for glimpsed views over acute angles. The proposed development would not disrupt the appreciation of these buildings and would thus not cause harm, and thereby preserve, their settings.
11. The Council have referred to the impact of the proposed development and advertisement on the amenity of occupants of surrounding residential properties. As I observed, the surrounding area is predominantly of a commercialised nature and is very active. It would by no means be described as a residential area. Nevertheless, I acknowledge that inappropriate illumination can cause harm to the amenity of residents. The imposition of appropriately worded conditions limiting levels of luminance and hours of illumination, would ensure that there would not be an unacceptable impact on the amenity of residents.

12. I therefore conclude that the proposed development and advertisement would not have an unacceptable impact on amenity, including the setting of listed buildings and on the occupiers of surrounding properties. It would therefore comply with Policies P43 and P56 of the Southwark Plan (2022) which require that; outdoor advertisements must avoid harm to public amenity and the significance of heritage assets or their settings, and that development should protect amenity. It would also comply with Policy HC1 of the London Plan (2021) which requires that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
13. The proposal would also comply with the Framework which states that advertisements should be subject to control only in the interests of amenity and public safety and that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

Other Matters

14. The Council in their assessment did not find that the proposed development would cause harm to public safety. Based on the evidence before me, and my observations on my site visit, I have no reason to form a different view.

Conditions

15. 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.
16. 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.
17. In the interests of amenity, conditions relating to levels and hours of illuminance are necessary.
18. A condition requiring the reinstatement of the footpath is not necessary as this is a matter for the local highway authority.

Conclusion

19. 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 - A01752 Rev A; HUB Detail 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 300Cdm² 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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