



Appeal Decision

Site visit made on 15 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/12/2022

Appeal Ref: APP/C5690/H/22/3294905

Land at Sangley Road junction of Bromley Road, Catford SE6 2LF

- 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 Mr Thomas Johnston on behalf of J C Decaux UK Ltd against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/21/124384, dated 18 November 2021, was approved on 27 January 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the removal of existing internally illuminated 12m x 3m landscape advertisement and installation of an internally illuminated sequential digital display, measuring approximately 6m x 3m, 3m to underside.
 - The condition in dispute is No. 3(a) which states that: *The minimum duration of each image to be no less than 60 seconds.*
 - The reasons given for the conditions are: *To control the display in the interests of public safety and in accordance with the objectives of the Town and Country Planning (Control of Advertisements) (England) regulations 2007.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable or necessary in the interests of public safety.

Reasons

3. Advertisement consent was granted in January 2022 for the replacement of an existing advertisement at the appeal site subject to conditions. The proposed advertisement would be internally illuminated like the existing, however, rather than a static display, it would have a sequential digital display. The appellant proposes a variation to condition 3(a), which would reduce the duration that each image is displayed on the proposed advertisement from 60 seconds to 10 seconds.
4. The appeal site is located just before the junction of Sangley Road and Bromley Road, close to the traffic signals and pedestrian crossing points associated with the junction. While the proposed advertisement would be smaller than the existing, it would still be relatively large and, despite street trees limiting some views, it would be easily seen by drivers of vehicles approaching the junction. Although limited to 30mph, there are frequent vehicle movements along this section of road. These movements include vehicles changing lane in preparation for the junction, vehicles joining the road from further along

Sangley Road, as well as vehicles accessing frontage parking associated with businesses on the south side of the road. In addition, vehicles frequently queue along this part of the road while waiting for the traffic signals to change.

5. Planning Practice Guidance advises on locations of advertisement most likely to affect public safety on roads. These include junctions and pedestrian crossings. I note that some collisions have previously occurred close to the appeal site and junction. Given this and the high frequency and variety of vehicle movements along the section of highway adjacent to the appeal site, it is clearly an area where drivers need to take more care to ensure public safety and where the cognitive demands on a driver may be higher.
6. In this case, the relevant Highway Authority is Transport for London and despite them not referring specifically to the duration that each image should be displayed, it is clear from their comments on the proposal that to ensure road safety they expected standard issues such as these to be addressed by imposing conditions on the permission.
7. It may be that with regards to other advertisements the duration for each image at a 10 second change would not be of detriment to public safety. However, I saw that vehicles often take more than several seconds to travel along this section of Sangley Road and, in addition to this, may be held at the traffic signals for some time. There is therefore a relatively long period of time when the advertisement would be visible to drivers. Given this, and the need for drivers to take more care along this section of road to ensure public safety, reducing the duration of each image to be no less than 10 seconds, in this case, is likely to result in a driver witnessing several changes in display and anticipating the next image. This would consequently cause a distraction that would compromise highway and public safety.
8. There is similar advertisement to that proposed on the opposite side of the junction that changes its display relatively frequently. This advertisement can also be seen by vehicles approaching the junction from Sangley Road. However, the traffic signals interrupt views of it, as does the traffic moving through and queueing at the junction, especially larger vehicles. This results in it being less prominent than the proposed advertisement and subsequently less of a distraction to drivers. Furthermore, when viewing this advertisement, the driver is facing towards the junction and traffic signals.
9. It has been put to me that the requirements of condition 3(a) would deprive the appellant of the right to operate the site to its full capacity and notably affect investment in the development. However, under Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 my assessment is confined to the issues of amenity and public safety.
10. I conclude that the condition is necessary and reasonable in the interests of public safety. The proposed variation in condition would conflict with DM policy 19 of the Lewisham Local Development Framework Development Management Local Plan (2014) that requires permission for advertisements to be refused where they would adversely impact public safety and is therefore material in this case. Accordingly, the appeal is dismissed.

Hannah Guest INSPECTOR