



Appeal Decision

Site visit made on 14 February 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH March 2023

Appeal Ref: APP/A5840/Z/22/3305393

Advertisement adjacent to the railway bridge at Queens Road, opposite the junction with Asylum Road SE15 2ND

Grid Ref: Easting(x) 534982, Northing(y) 176721

- 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 Network Rail against the decision of the London Borough of Southwark Council.
 - The application Ref 22/AP/0948, dated 7 March 2022, was refused by notice dated 4 July 2022.
 - The advertisement proposed is a 1no. 48 sheet digital LED advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have used a description of the location of the proposal, along with the Ordnance Survey National Grid References used for the address on the planning application form.

Main Issue

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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.
4. The main issues are the effect of the proposed advertisements on:
 - The amenity of local residential occupiers;
 - public safety as it relates to road users; and
 - local biodiversity.

Reasons

Amenity of Local Residential Occupiers

5. The appeal site comprises an existing internally illuminated 48 sheet advertisement located behind a fence enclosing the railway embankment

adjacent to the railway bridge on Queens Road. The site is positioned immediately opposite the junction of this street with Asylum Road.

6. The proposal is to replace the existing poster site with a similarly sized 48 sheet digital advertising screen at the same location as this existing advertisement. The proposal would mirror the orientation of the existing poster and would be angled to face away from the railway bridge and towards the corner development on the corner of Queens Road and Asylum Road at 118-120 Queens Road (No.118-120). The proposal also includes the removal of the nearest of two existing externally illuminated 48 sheet poster panels located under the railway bridge.
7. The appellant has confirmed that the proposed digital advertising screen would conform to current guidance from the Institute of Lighting Professionals with regard to the brightness of illuminated advertisements and would be limited to 300cd/m² at night and 600cd/m² during the day. The appellant has also confirmed that the proposed digital advertising screen also has the potential to have its luminance controlled automatically to react to local lighting conditions.
8. The proposed digital advertising screen would also present illuminated advertising content, which the appellant indicates would change virtually instantly and that it would be capable of displaying new adverts once every 10 seconds.
9. Whilst the luminance of the proposed digital advertising screen could be satisfactorily controlled by conditions, it could involve static advertising displays potentially changing every 10 seconds, thereby significantly increasing the prominence of the advertisement display at the appeal site. As the proposal would face towards the development at No.118-120, located approximately 25 metres from the proposal, it would be visible to the occupiers of the flats in the top three floors of this 4 storey development. It would be particularly prominent in views from the flats located at the corner of this development.
10. Whilst the proposals degree of illumination in itself would not be so intrusive that it would be harmful to the amenity of local residential occupiers, the changing nature of the proposal, and the concomitant immediate change in levels of illumination between advertisements, would be distracting, particularly at night to residents at No.118-120. The proposed removal of an existing static externally illuminated poster site would not sufficiently mitigate this effect. For these reasons the proposal would cause a degree of disturbance to the residential occupiers at night, which would be experienced as intrusive and would result in significant harm to the residential amenity and living conditions of neighbouring residential occupiers.

Public Safety

11. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. It advises further that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.
12. Whilst the proposed type of digital advertising screen are becoming common features of road corridors, and there are other existing illuminated advertisements in the immediate area of the proposal, the proposed unit would

be a prominent feature in the streetscape. Particularly so when approaching the railway bridge heading east or the junction of Queens Road with Asylum Road.

13. Whilst the local area already has significant large, illuminated poster sites, the proposed digital advertising screen would be subject to changing displays, up to every 10 seconds, which would change instantly between static advertisements. This would increase the prominence of the advertisement display, drawing the eye of road users and increasing their visual interaction with the display.
14. Whilst the proposal would replace an existing internally illuminated poster site, the combination of internal illumination with intermittent changing of the advert display, albeit with an almost instant transition, has the potential to create visual confusion for road users in an area. Therefore, the proposal has the potential to distract motorists on this busy road and the side junction, which from my site visit appears to be busy, with significant numbers of pedestrians, buses and cyclists. This would pose a risk, particularly at the junction of these two streets, to pedestrians, cyclists and other road users.
15. The appellant has drawn to my attention other approvals for digital advertising screens of similar scale in similar locations in other London boroughs and council areas. These would have been determined with regard to road safety on their merits. I have, therefore, given these only moderate weight in my considerations and I have, as required of me, considered the proposal on its own individual merits in this regard.
16. I find that, as a result of the digital transition between illuminated advertisements, the risk to highway safety would be likely to increase. The proposed removal of the existing static externally illuminated poster site would also not sufficiently mitigate this effect. I consider the proposal has the ability to distract road users at a time when they should be paying due care and attention to the road related activity in its vicinity. This would lead to an increase the number of collisions in this area, and potentially their severity, especially to vulnerable road users. The proposal would, therefore, be significantly harmful public safety as it relates to highway safety and would, therefore, conflict with the National Planning Policy Framework (2021) and PPG in this regard.

Local Biodiversity

17. The appellant confirms that the appeal site sits within a Site of Importance to Nature Conservation (SINC), and that the proposal, like the existing poster site would be internally illuminated. However, the proposal is for a different structure that would display changing advertisements, up to once every 10 seconds with varying degree of illumination, depending on the time of day and local lighting conditions.
18. The appellant has not provided a detailed assessment with regard to the effect of the proposal on the SINC and how the needs of wildlife, including protected species such as bats, would be met. The appellant has, however, indicated that the proposal would require less maintenance than the existing internally illuminated poster site that it would replace, as the digital displays would be changed remotely. The appellant is of the view that this would result in less

disturbance of the SINC. The ongoing maintenance needs of the digital display screen itself has not, however, been provided to me.

19. The appellant has provided me with the locations of other similar digital advertising screens that have been approved in other SINC's. However, no information has been provided to me to indicate the degree of information and assessment carried out with regard to the effect of these approved digital screens on these other SINC's and local biodiversity.
20. I find that the proposed new digital advertising screen, which would replace an internally illuminated poster site and the removal of a second externally illuminated poster site, would present a significant material change. Without supporting information that would indicate otherwise, I do not have sufficient material before me to find other than that the proposed new structure, digital screen, and the changing of static digital illuminated images would fail to protect the SINC and cause harm to local biodiversity.
21. For the reasons given above, I find that the proposal would conflict with policies P43, P56, P50 and P60 of the Southwark Plan 2019-2036 (2022) and the NPPF, which collectively seek advertisements that do not constitute a road safety hazard and are not harmful to public safety or public amenity and that contribute to net gains in biodiversity through protecting SINC's.

Conclusion

22. For the reasons given and having regard to all other matters raised, the appeal is dismissed

Reasons

Victor Callister

INSPECTOR