



Appeal Decision

Site visit made on 5 April 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/C5690/W/22/3304893

95 Rushey Green, Lewisham, London SE6 4AF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Merkur Slots UK Ltd against the Council of the London Borough of Lewisham.
 - The application Ref DC/22/125638 is dated 21 February 2022.
 - The advertisement proposed is 1 x internally illuminated fascia sign and 1 x projecting sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 1 x internally illuminated fascia sign and 1 x projecting sign 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 following additional conditions:-
 - 1) The maximum luminance shall not exceed 250 cdm² and shall fully comply with the recommendations contained in the Institution of Lighting Professionals Technical Report No.5 Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The illuminated signage shall contain no intermittent light source, moving feature, animation or exposed cold cathode tubing, unless the prior written approval of the local planning authority is obtained.

Preliminary Matters

2. The description of the advertisement in the heading above has been taken from the application form. A different wording has been entered in Part E of the appeal form. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application.
3. I have dealt with 2 other appeals on this site relating to the change of use of the premises and a new shopfront. Those appeals are the subject of separate decisions.

Background and Main Issues

4. The appeal has been submitted on the basis of the failure of the Council to give notice within the prescribed period. However, the Council has submitted an Officer report which indicates that it would have granted consent for the proposal, subject to conditions, had it been in a position to do so.
5. Nevertheless, in accordance with the National Planning Policy Framework (the Framework) and the Regulations, advertisements are subject to control 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.
6. On that basis, the main issues in this appeal are the effect of the proposal on:
 - Amenity, and
 - Public safety.

Reasons

Amenity

7. The appeal site is a vacant commercial premises located within Catford town centre, which contains a mixture of retail and other uses. The proposed advertisements are representative of the commercial nature of this area and are consistent with the form and scale of the host commercial premises. As such they would not harm the visual amenity of the area.
8. There are residential properties in the vicinity of the site, including flats immediately above. However, the signs would not be obtrusive in views from these residential properties, and subject to controls on the level and form of illumination they would not harm the amenity of nearby residents.
9. I therefore conclude that the proposal would not harm amenity. I have taken account of Policy 15 of the Core Strategy 2011 and DM Policies 19, 27, 30 and 35 of the Development Management Local Plan 2014 (the DMLP). The proposal would not conflict with the design considerations of those policies, including with regard to shopfronts, signs and lighting. The proposal would also not conflict with the Framework in respect of achieving well-designed places.

Public Safety

10. The appeal site is located within a busy commercial area which contains a mixture of other signs of a similar nature as those proposed. The proposed signs would be internally illuminated with a static light, and subject to controls over the level and form of illumination they would not lead to any harm in respect of highway and public safety. Transport for London (TfL) has made some comments on the proposal. This includes the level of illumination which can be addressed by condition.
11. I therefore conclude that the proposal would not lead to harm in respect of public safety. I have taken account of Policies GG1, T2 and CP14 of the London Plan 2021; Policy 15 of the Core Strategy; and DM Policies 19, 27, 30 and 35 of the DMLP as referred to in the Council's Officer report. The proposal would not conflict with the public safety considerations of those policies. The proposal would also not be contrary to the Framework with regards to promoting safe communities and sustainable transport.

Other Matters

12. TfL have also commented on the potential obstructions arising from development works for the signs, including in respect of parking and the effect on trees. However, such works would be of a short-term nature, and given the spacious nature of the pavement in the vicinity of the site as well as existing highway controls, I do not consider that these works would lead to harm regarding amenity or public safety. In any event, the appellant has confirmed that they have noted the comments from TfL.

Conditions

13. In addition to the standard conditions set out in the Regulations, further conditions specifying the maximum luminance of the advertisements and the form of illuminated signage are required in the interests of amenity and public safety. Various luminance levels have been suggested by the Council and TfL. However, I have amended the condition suggested by the Council to reflect the luminance level as stated on the submitted plans. As this level is lower than that suggested by the Council and TfL, I consider that no interested party would be prejudiced by this amendment.
14. I have not imposed a condition in relation to the approved plans as this is not necessary. Such a condition is meant to facilitate applications under s73 for minor material amendments to a planning permission and so is not relevant when granting express consent for the display of advertisements.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR