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## Appeal Decisions

Site visit made on 20 October 2023

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 30 October 2023**

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### **Appeal A: Appeal Ref: APP/E5330/W/23/3316381**

#### **Pavement Opposite 16 Plumstead Road, Woolwich, London SE18 7BZ**

- 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 (J C Decaux UK Limited) against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 22/3902/F, dated 21 November 2022, was refused by notice dated 3 February 2023.
  - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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### **Appeal B: Appeal Ref: APP/E5330/H/23/3316382**

#### **Pavement Opposite 16 Plumstead Road, Woolwich, London SE18 7BZ**

- 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 (J C Decaux UK Limited) against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 22/3903/A, dated 21 November 2022, was refused by notice dated 6 February 2023.
  - The development proposed is the installation of an advertisement display. The advertisement is integrated into the Communications Hub unit and comprises a LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device.
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## **Decision**

1. Appeal A is allowed and planning permission is granted for the installation of a multifunctional communication hub including defibrillator and advertisement display on the pavement opposite 16 Plumstead Road, Woolwich, London SE18 7BZ in accordance with the terms of application Ref 22/3902/F, dated 21 November 2022, subject to the conditions set out in a Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the installation of an advertisement display. The advertisement is integrated into the Communications Hub unit and comprises a LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional condition set out in the Schedule attached to this Decision.

## Procedural Matters

3. The appeals relate to the same site and the same proposed development, namely a multifunctional communications hub which, amongst other things, would have an illuminated digital advertisement display. To avoid unnecessary repetition, the 2 appeals have been dealt with in a single Decision letter but the appeals themselves have been considered based upon their own merits.
4. The appeal addresses are taken from the Appeal Forms because they more accurately describe the location.
5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reasons for refusal for Appeal B refer to policies contained in the London Plan (LP) and the Royal Greenwich Local Plan: Core Strategy and Detailed Policies (RGLP) they are material considerations rather than being decisive in the determination of this appeal.
6. For clarity, the description for Appeal B has been adopted from the Council's Decision Notice which specifically refers to the proposed advertisement.

## Main Issues

7. It is considered that the main issues for Appeal A are the effect of the proposed development on (a) the comprehensive redevelopment of the area and (b) the safety of other highway users. For Appeal B, the main issue is the effect of the proposed advertisement on public safety.

## Reasons

### *Comprehensive Redevelopment*

8. The proposed communications hub would be erected within a wide area of paved footway located on the south side of Plumstead Road. The footway includes a wide range of street-furniture including trees, telecommunication kiosks, bollards, litter bins, lamp-posts and a lay-by with bus shelters adjacent to the carriageway. There is some free-standing signage and external display areas associated with shops.
9. Some details of the Council's proposals for the redevelopment of what is referred to as Site 4: Spray Street Quarter in the *Woolwich Town Centre Supplementary Planning Document*. There is limited detail in this document about any redevelopment scheme. The *Spray Street Masterplan Supplementary Planning Document* (SPD) does include more detail but it is unclear what this document's relationship is with the Woolwich Exchange redevelopment scheme which has been granted planning permission. The SPD includes references to high quality public realm and streetscape to improve built and environmental quality.
10. However, no specific details of the intended streetscape of the footway within which the appeal site is located have been given. Instead, the concerns expressed by the Council, including the Regeneration Team, are generic and do not specifically explain how the proposed communications hub would be inappropriate and materially interfere with the delivery of the regeneration proposals within the SPD area.

11. In the absence of any further details, it is concluded that the appeal scheme would not constitute development that would prejudice the comprehensive redevelopment of the area and, as such, it would not conflict with RGLP Policies SD1 and TC2 and the SPD. Amongst other matters, these policies refer to Woolwich becoming a metropolitan centre through its identification as a strategic development location for a range of uses.

#### *Highway and Public Safety*

12. The Planning Practice Guidance advises on the locations of, and types of, advertisements most likely to affect public safety on roads. It includes junctions and pedestrian crossings and those advertisements which are internally illuminated and subject to frequent changes of display, such as the proposed advertisement.
13. By reason of the width of the footway and the desire routes observed during the site visit, including to/from the bus stops, the proposed communications hub would not unduly impede or inconvenience pedestrian movement.
14. Further, the appeal scheme would be sited well away from the carriageway of Plumstead Road and its junction with Parry Place. Accordingly, even allowing for the type of illuminated advertisement proposed, drivers of vehicles travelling along Plumstead Road, including drivers of buses accessing the lay-by, would not be distracted by the appeal scheme. The opportunity for distraction would be further reduced by limitations on the level of illumination and the controlling of the images changes both of which can be secured by suitable conditions.
15. On this issue it is concluded that the proposed development would not cause unacceptable harm to the safety of other highway users and, as such, it would not conflict with LP Policies T2 and T4 and RGLP Policies IM(b). Amongst other matters, these policies refer to development improving street comfort, convenience and amenity; integrating with the existing footpaths by taking into account desire lines, and not increasing road danger. RGLP Policies IM(a) and IM4 are not considered to be of direct relevance to the appeal scheme because they concern major developments and sustainable travel choices for development. For the same reasons, it is concluded that Appeal B would not harm public safety.

#### **Conditions**

16. The Council has suggested several conditions in the event these appeals succeed which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance.
17. For Appeal A, for reasons of clarity it is necessary for the approved scheme to be defined, including the management plan. However, there is no requirement for separate conditions for pavement reinstatement because this is already included as part of the approved details; the Sustainability Aims and Achievements which is a generic statement rather than containing specific proposals and the intended distribution of communication units within Woolwich. Management of the construction process and whether the footway is obstructed is a matter for others to address rather than be the subject of a condition attached to a planning permission.

18. For Appeal B, the advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. As already identified and in the interests of safety, conditions are necessary to ensure that the advertisement panel is operated in a controlled manner. For the reason already given, a condition associated with the erection of the advertisement proposed is unnecessary.

19. Accordingly, it is concluded that Appeal A and Appeal B should be allowed.

*D J Barnes*

INSPECTOR

## **Schedule of Conditions**

### **Appeal A**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out and operated in accordance with the following approved plans and documents: Site Plan and Images document; Hub Unit Details ;Unit Management Plan and Pavement Reinstatement.

### **Appeal B**

1. The illumination should not exceed a brightness of 600 candelas per m2 during the day and 300 candelas per m2 during the hours of darkness.
2. The advertisement display hereby approved shall be static with no special effects (including noise, smoke, animations, flashing, scrolling, three dimensional, intermittent or video elements) of any kind.
3. The minimum display time for each advertisement shall be 10 seconds and the use of message sequencing for the same product is prohibited.
4. The interval between successive displays shall be instantaneous (0.1 second or less), the whole screen shall change, and there shall be no visual effects (including fading, swiping, or other animated transition methods) between successive displays.