
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

Appeal A: Appeal Ref: APP/E5330/W/23/3315853

Pavement Outside Sainsbury Local, 10 Victory Parade, Plumstead Road, London, SE19 6FL

- 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 22/3896/F, dated 21 November 2022, was refused by notice dated 24 January 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/23/3315855

Pavement Outside Sainsbury Local, 10 Victory Parade, Plumstead Road, London, SE19 6FL

- 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 22/3897/A, dated 21 November 2022, was refused by notice dated 24 January 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.
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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 outside Sainsbury Local, 10 Victory Parade, Plumstead Road, London in accordance with the terms of application Ref 22/3896/F, dated 21 November 2022, subject to the conditions set out in a Schedule attached to this Decision.
2. Appeal B is dismissed.

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 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.
5. In respect of Appeal A, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. However, there are no reasons to reach a different judgement from the Council's assessment that the character and appearance of the Royal Arsenal Conservation Area would be preserved by the appeal scheme.
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 issue for Appeal A is the effect of the proposed development on the safety of other highway users. For Appeal B, the main issue is the effect of the proposed advertisement on public safety.

Reasons

8. 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.
9. The proposed communication hub would be sited within a wide footway which is located along the northside of A206 Plumstead Road. The road forms part of the Strategic Road Network (SRN) identified by Transport for London (TfL). At this point, the road is a dual carriageway with 2 lanes in either direction separated by metal railings. The number of eastbound lanes starts to increase to 3 on the approach to a traffic light controlled junction with Burrage Road.
10. The appeal site is within what TfL describe as the furniture zone and is close to the kerb line between the footway and the carriageway. There is an on-carriageway cycle lane adjacent to the kerb line. A lay-by for a bus stop is located to the west of the site and, as already noted, there is a traffic light controlled junction to the east. It was noted during the site visit that there is a high volume of vehicles travelling along the road with the speed of the vehicle being dependent upon whether the near-by traffic lights have a red or green aspect for eastbound vehicles.
11. By reason of siting within the furniture zone of the footway and reflecting the location of the existing street trees, the appeal scheme would not impede pedestrian flows along the footway. Although opposite an entrance to a Sainsbury Local, close to entrances to a gym and apartments and adjacent to the lay-by, the siting of the proposed development would not interfere with the pedestrian desire lines along the footway. There would be sufficient width retained along the footway to meet TfL's guidance. Accordingly, there would be no adverse harm caused to the safety of pedestrians.

12. TfL has identified a concern that buses exiting the lay-by must cross the cycle lane and the drivers could be distracted by the proposed advertisement. However, it was observed that when buses exit the lay-by the focus of the drivers' attention is their off-side mirrors to enable them to merge with the eastbound traffic. As professional bus drivers, it is reasonable to assume that the same approach to merging with the traffic would continue to apply even if the appeals succeed and this would include the ability to see cyclists using the cycle lane.
13. However, because of the volume and speed of traffic, the on-carriageway cycle lane, the buses merging and the near-by traffic lights, there is the potential for the proposed illuminated advertisements display with its changing images to be a distraction for drivers travelling east. Without the display of changing illuminated advertisements the proposed communications hub itself would not be a distraction to drivers.
14. For the reasons, it is concluded for Appeal A 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 Policy IM(b). In addition to road safety concerns, these policies also refer to development integrating with the existing footpaths and taking into account desire lines and to improving street comfort, convenience and amenity. RGLP Policy IM(a) refers to major developments and is not of direct relevance to the appeal scheme.
15. However, for Appeal B it is concluded that the proposed illuminated advertisement display would represent a danger to public safety and the suggested conditions would not overcome this danger. Although not decisive, in reaching this conclusion regard has been had to LP Policy T4 and RGLP Policy DH(f) which refers to development not increasing road danger and advertisements not adversely affecting public safety.

Conditions

16. For Appeal A, 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 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 the reasons given, it is concluded that Appeal A should be allowed and Appeal B should be dismissed.

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.