



Appeal Decision

Site visit made on 9 January 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14TH February 2024

Appeal Ref: APP/N5660/Z/23/3330667

Railway Viaduct at Waterloo Station Facing Tenison Way, SE1 8SW

- 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 Global against the decision of London Borough of Lambeth.
 - The application Ref 23/01984/ADV, dated 21 June 2023, was refused by notice dated 10 August 2023.
 - The advertisement proposed is the display of 1 static internally illuminated digital screen.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the address as described in the application form as that more precisely describes the site's address.

Main Issues

3. The main issues are the effect of the proposed advertisement on: (a) visual amenity, with regards to the setting and approaches of the Westminster World Heritage Site ('WHS') and the South Bank Conservation Area ('the CA'); and (b) public safety, with regards to highway safety.

Reasons

Visual amenity

4. The proposed digital display would be mounted on the wall of an elevated railway line facing Tenison Way. The railway viaduct is set back from Tenison Way and a roundabout junction behind a deep pedestrian footway. The railway viaduct is on the north side of London Waterloo rail station and on the line between Charing Cross and Waterloo East stations.
5. The appeal site is outside of but adjacent to the CA. The proposal would, however, form part of its setting. The CA extends along the south bank of the River Thames and contains numerous large, prominent buildings that display architectural variety and are of cultural significance. These are often interspersed by well-used public spaces. The CA's setting varies, and the roundabout junction by Waterloo station is a busy transport node. There is a spatial openness around the roundabout, but the IMAX building in its centre provides a dominant architectural focal point. The setting of the CA near to the appeal site makes a modest contribution to the overall significance of the CA.
6. The appeal site also lies within the WHS Approaches, which extends on the opposite side of the river to the WHS, which is around 800 metres to the southeast of the appeal site. The WHS comprises the Palace of Westminster,

Westminster Abbey and St Margaret's Church, among other buildings historically ancillary to Westminster Abbey. The WHS Approaches include the main transport interchanges at Vauxhall and Waterloo, from which many visitors to the WHS arrive. The appeal site is not, however, part of the Immediate Setting to the WHS. This is the area forming the frontage to the River Thames due to the intervisibility that is afforded along here of the WHS.

7. The Outstanding Universal Value (OUV) of the WHS, and thus its significance, derives from the unique artistic construction of Westminster Abbey and the striking sequence of successive phases of English Gothic art that it has influenced, including the Gothic Revival in the 19th century. Further, The Abbey, the Palace, and St Margaret's illustrate the specificities of parliamentary monarchy over multiple centuries. Individually and collectively, they display art in a harmonious manner and act as a veritable museum of the history of the United Kingdom.
8. Land within The Approaches can contribute to the setting of the WHS, depending on the location, and its relationship with the asset, and its special qualities. The appeal site's location is in one of the main entry and exit points to the area; however, the site's position in the WHS Approaches on the railway arch, which is of modest height, does not materially contribute to the significance of the WHS due to the lack of intervisibility or historic connection.
9. The area around Waterloo Station has contained billboards and advertisements for some time. Although these may not have originally been digitalised boards found today, they have been part of the public realm of the area and its associated character for around 50 years.
10. The proposed display would be sited in the same location as previous advertisements, but the Council is seeking to resist proposals to renew advertisement consents for existing large panel advertisements to enhance the environment. The proposed digital screen would be seen in the context of several other digital or static display screens or other advertisements attached to the railway arches, nearby buildings or as part of commercial premises around the junction. They are positioned near to one another and are generally of considerable size. There may well be modest gaps between each advertisement and the area may be characterised by advertisements, both currently and historically, but the proposal would add additional visual clutter that I consider would have an unacceptable effect on the visual amenity of the area, including the setting of the CA. By extension, the proposal would not preserve the environmental quality of the public realm/vantage points of the WHS Approaches. Even so, the proposal would preserve the OUV of the WHS, its authenticity and integrity.
11. The IMAX building does have a large advertisement on its circular elevation that contributes to the area's vibrant commercial character. However, this is an internal advertisement and I consider the proposal to be harmful regardless of the advertisement in the IMAX building.
12. I note the parties' points about 'less than substantial harm' in respect of the CA, but the provisions of paragraph 208 of the National Planning Policy Framework do not apply in this case as that policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. While the proposal would preserve the OUV of the WHS, its authenticity, and integrity, I conclude that the proposed digital screen would harm the visual amenity of the area and would therefore not preserve the setting of the CA or preserve the environmental quality of the public realm/vantage points of the WHS Approaches. The Council have cited Policies Q2, Q5, Q17, Q19 and PN1 of the Lambeth Local Plan 2020-2035 (Local Plan) and the Advertisements and Signage Guidance Supplementary Planning Document (SPD). They jointly seek advertisements to preserve or enhance the OUV, the authenticity and integrity of the WHS, the environmental quality of the public realm/vantage points, and to not add to unacceptable street/visual clutter. They are material in this case, and I find conflict with them and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Public safety

14. Tenison Way is part of the busy and highly trafficked roundabout junction of A301 Waterloo Road, A3200 Stamford Street, A3200 York Road, A301 Waterloo Bridge, and Tenison Way. The roundabout has three lanes and is signalised at the Waterloo Road, Tenison Way, and York Road arms. There are multiple bus stops on Tenison Way, along with a cycle lane. Pedestrian crossing facilities are to be found around the roundabout junction. The surrounding area and the junction are used by a full range of road users.
15. The proposed digital display would be positioned between the Waterloo Road and York Road arms of the junction. The nearby area is busy and active during the day and night. The site's surroundings are illuminated with street lighting, commercial frontages, and signage. Nonetheless, the proposal would draw people's attention, and when combined with the signalised junctions on the roundabout, potential would exist for people to become distracted, whether they are driving a vehicle, on a bicycle, or on foot. If this happens, collisions are likely, and people's safety could be affected. Planning conditions in respect of the nature of displays and illumination would reduce the potential for people to become distracted but not remove it.
16. According to the Council, in the five years after 2012, when advertisement consent was granted for a digital screen, there were 42 accidents on the approaches to and around the roundabout. Of these, 37 have involved two-wheeled modes of transport (bicycle, motorbike) and pedestrians, the most vulnerable to potentially fatal accidents. However, the appellant confirms that the digital display became operational in May 2016. Between 2012 and April 2016 the appellant says that there were 19 accidents, and between May 2016 and April 2023, there have been 26 accidents. Comparatively, the average number of accidents per year has fallen since May 2016. Nonetheless, the location of the accidents have generally not been in the section of roundabout where the proposed advertisement would be located. They are typically to the north-east or east of the IMAX between the Stamford Street arm and the Waterloo Road signals/stop line.
17. The lack of intervisibility between the location of the previous or proposed digital display and the locations of the accidents to the north-east or east of the IMAX between the Stamford Street arm and the Waterloo Road signals/stop line, means that they could not have been a direct contributing factor in those accidents. They do not, therefore, indicate a public safety issue linked to the proposed advertisement would arise.

18. Nonetheless, users' line of sight changes as they move around the IMAX towards the site. The proposed advertisement would become a feature within users view particularly around the approach to/exit from the signalised Waterloo Road junction. The proposed advertisement would also be visible on approach along Tenison Way, but views would be initially screened by built form or latterly taken in conjunction with street furniture, including multiple bus stops and other nearby advertisements. However, the accident data, in overall terms, suggests that people have not become distracted by a digital advertisement in the proposed location, even with the traffic signals, different modes of travel, and a busy environment during the day and night.
19. The location of the proposal would not routinely sit behind the traffic signals at the Waterloo Road junction, though I recognise that it would do so briefly as drivers pass through the signals. However, given that it is a controlled signalised junction and there is lack of accidents to indicate accidents are an issue here, the proposed advertisement would not affect highway safety here.
20. There have been a handful of accidents either near to or beyond the location of the proposed advertisement next to the York Road arm to the roundabout junction. None of the accident records relating to these accidents point to people being distracted by advertisements. Furthermore, two to three of the accidents appear to be after people have gone past the location of the proposed advertisement.
21. For the reasons set out above, I conclude that the proposed advertisement would not harm public safety, with regards to highway safety. Local Plan Policy Q17, London Plan Policy T4 and the SPD jointly seek advertisements not to harm highway/public safety. Thus, they are material in this case. The proposal accords with the policies and the SPD as the proposed advertisement would not harm public safety.

Conclusion

22. For the reasons given above, although the display of the advertisement would not be detriment to public safety, this is outweighed by my conclusion that it would be detrimental to the interests of amenity.

Andrew McGlone

INSPECTOR