



Appeal Decisions

Site visit made on 11 November 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decisions date: 2nd December 2025

Appeal A Ref: APP/C5690/W/25/3369098

Pavement outside Sainsburys, 263 New Cross Road, London SE14 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Lewisham.
- The application Ref is DC/25/140086.
- The development proposed is installation of "Pulse Smart Hub" with integrated digital screens.

Appeal B Ref: APP/C5690/H/25/3369099

Pavement outside Sainsburys, 263 New Cross Road, London SE14 5PL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
- The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Lewisham.
- The application Ref is DC/25/140087.
- The advertisement proposed is installation of "Pulse Smart Hub" with integrated digital screens.

Decisions

1. Appeal A is allowed and planning permission is granted for the installation of "Pulse Smart Hub" with integrated digital screens at Pavement outside Sainsburys, London SE14 5PL in accordance with the terms of the application, Ref DC/25/140086, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of "Pulse Smart Hub" with integrated digital screens at Pavement outside Sainsburys, London SE14 5PL in accordance with the terms of the application Ref DC/25/140087. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, subject to the conditions in the attached schedule.

Preliminary Matters

3. The two appeals before me relate to the refusal of planning permission for the smart hub (appeal A), and the refusal of advertisement consent for the integrated digital advertisements (appeal B). Although I have considered each proposal on its individual merits, the reasons for refusal in both cases are essentially the same. Accordingly, I have addressed both appeals together within a single decision letter.
4. In relation to appeal B, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a Local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

5. Since the applications were determined, the Council adopted its Local Plan on 16 July 2025, replacing the Core Strategy policies (2011), including Core Strategy Policy 14 which was cited on the decision notice. As a result, the Council has confirmed that the adopted policies, which now carry full weight, should be relied upon instead of the superseded policies. The appellant has had the opportunity to comment on these policies within its final submissions. On that basis, I am satisfied that consideration of the proposal against the recently adopted Local Plan (DP) does not prejudice the appellant.
6. The appellant refers to a previous prior approval and appeal decision. However, based on the evidence before me, the reference to an earlier appeal decision for a phone box appears to be incorrect. It instead seems to relate to the prior approval decision issued by the Council in 2017, which has since expired. I address the relevance of this expired prior approval scheme later in this decision letter¹.
7. There is inconsistency between the main parties regarding which Conservation Area (CA) the appeal site lies within. Having considered the Hatcham CA Plan submitted by the Council and noting the absence of any substantive evidence to the contrary, I am satisfied that the proposal falls within the Hatcham CA. This differs from the appellant's submissions, which refer to the Telegraph Hill CA. I have determined the appeal on the basis that the site is within the Hatcham CA.

Main Issues

8. The two main issues are the effect of the smart hub and advertisement displays on:
 - visual amenity, and
 - public safety.

Reasons

Visual amenity

9. The appeal site occupies a section of pavement outside a supermarket on New Cross Road, forming part of a wide urban street scene characterised by a modern and functional appearance. The immediate context includes a significant presence of advertisements, primarily associated with the adjacent supermarket, the retail frontage opposite, and the surrounding road network. This commercial character creates a visually active environment where signage and branding are already prominent features.
10. The site lies within the Hatcham CA, which is of notable historic and architectural interest, defined by a coherent streetscape reflecting 19th-century urbanisation. While New Cross Road contains some of the oldest buildings within the designation, it also functions as a busy commercial route with a varied townscape. The appeal site occupies a peripheral position within the CA, where modern, utilitarian development dominates and contrasts sharply with the historic character. Consequently, this part of the CA makes a limited contribution to its overall significance. The Council has confirmed that no harm would arise to either the Hatcham CA or the adjoining Telegraph Hill CA. I similarly find that the proposed

¹ Application ref DC/17/103468 dated 30 October 2017.

smart hub would preserve the character and appearance of this part of the Hatcham CA and that of the adjacent Telegraph Hill CA.

11. The Council accepts that the smart hub is of an appropriate scale and would not appear dominant or incongruous within its setting. Their concern relates to the cumulative effect of street furniture on visual amenity, particularly in terms of clutter. In this regard, the smart hub would be positioned on a notably wide section of pavement within an existing corridor of street furniture. While it would introduce an additional element into the street scene, its design is contemporary and consistent with the prevailing modern context. Furthermore, the smart hub consolidates multiple functions, including wayfinding, a defibrillator, Wi-Fi and call facilities, thereby reducing the need for separate installations and minimising overall clutter.
12. The digital advertisement displays would be illuminated, but this would integrate well with the established lighting levels and signage associated with the supermarket and surrounding commercial uses. The visual impact of illumination would therefore be limited and consistent with the character of the area. In this context, the proposal would not materially increase visual clutter or harm the amenity of the street scene.
13. In conclusion, the smart hub would be well-designed and sensitively integrated, positively contributing to the street scene. As such, the smart hub would be acceptable in terms of its effect on visual amenity. Appeal A would therefore comply with Policies T2, T4 and D8 of the London Plan 2021 (LP), together with Policies QD2, QD12, TR1 and TR3 of the DP. Taken together, these policies require, among other matters, that street furniture and advertisements are of high design quality, reduce visual clutter, and enhance the character and usability of public spaces. The National Planning Policy Framework (the Framework) contains similar requirements, including that street furniture should positively contribute to local character. Appeal B would also comply with those same policies and guidance, insofar as they relate to advertisements and visual amenity.

Public safety

14. The appeal site occupies a notably wide section of pavement, physically separated from the heavily trafficked New Cross Road, a multi-lane carriageway, by a kerb. Its proximity to the entrance of the adjacent supermarket is significant, as this location experiences high pedestrian activity. Furthermore, the road is subject to red route restrictions, which limit stopping and loading. Importantly, the site lies adjacent to a marked bus cage and a bus shelter serving New Cross Gate Station (Stop M), a recognised hub for frequent boarding and alighting.
15. Turning to the proposed smart hub, its alignment and positioning would broadly correspond with existing street furniture, such as the street lighting column with attached signage and the refuse bin. While the smart hub would be marginally wider than these elements, the increase is not substantial; the overall scale remains modest. By situating the smart hub within the established street furniture corridor and on a generously proportioned pavement, any potential disruption to pedestrian movement would be effectively minimised. This approach is consistent with Transport for London's Streetscape Guidance (2022), which advises that street furniture should be grouped in a coherent corridor to maintain clear pedestrian routes and avoid clutter.

16. In addition, the nearby bus stop is set back from the kerb edge and positioned against the boundary wall on the opposite side of the footway. This arrangement creates a generous depth of footway, accommodating both waiting passengers and passing pedestrians, while also preserving clear sightlines for approaching traffic, particularly buses. This supports LP Policy T4, which requires development to mitigate transport impacts and maintain safe and efficient movement for all users.
17. When considering cumulative impacts, it is evident that this section of footway accommodates various street furniture, including the bus stop shelter and sign, utilities cabinets, street lighting columns, and a refuse bin. Most of these items are aligned close to the kerb and carriageway edge, forming a coherent furniture corridor. This spatial organisation maximises the available width for pedestrian flow in accordance with TfL Streetscape Guidance (2022) and LP Policy D8, which seek high-quality public realm design that prioritises pedestrian comfort and safety.
18. There are, however, exceptions to this pattern. Notably, the bus stop shelter and utility cabinets are positioned tightly against the brick wall on the opposite side of the footway. Crucially, the absence of street furniture opposite these elements ensures that the concentration remains on one side, thereby preserving pedestrian space. The proposed smart hub would be set away from these features, maintaining this balance and supporting DP Policies QD2 and QD3, which require development to enhance the legibility and functionality of the public realm.
19. From a visual perspective, the geometry of the road is relevant. The bus lane and stop are inset from the main carriageway, with approaching traffic lanes located further south than the appeal site. Consequently, the smart hub would exert minimal influence on views from the bus shelter towards oncoming buses and other traffic. Similarly, it would not obstruct visibility for bus drivers approaching passengers waiting to alight, consistent with LP Policy T2, which promotes safe and efficient movement across the transport network.
20. It is also pertinent to note that existing signage in the vicinity is of considerable scale, including the tall totem-style sign at the supermarket entrance and the large billboard opposite the access road. This establishes signage as a common and accepted feature along this section of New Cross Road.
21. Regarding driver distraction, the advertisement display screens would face oncoming traffic along New Cross Road and be positioned close to the kerb. This orientation ensures that the smart hub remains within drivers' direct sight lines, reducing the likelihood of attention being diverted away from the carriageway.
22. The same cannot be said for vehicles entering or exiting the supermarket, as the access road intersects at a 90-degree angle to the proposed hub. However, this concern is mitigated by the fact that vehicle speeds and volumes are significantly lower along this access route, and the junction is controlled by traffic lights, which regulate flows relative to vehicles travelling along New Cross Road.
23. Finally, the advertisement would be located at the very start of the marked bus stop area and set back from the bus shelter where boarding and alighting occur. Even in scenarios where multiple buses stop concurrently, there is no evidence to suggest that the smart hub would obstruct these operations. The separation between the smart hub and the bus stop ensures that pedestrian movement and bus operations remain safe and efficient.

24. While it is acknowledged that the appeals are not supported by pedestrian flow or swept path analysis, the preceding considerations demonstrate that such evidence is not essential to establish acceptability in terms of public and highway safety.
25. With regard to installation and servicing, these activities would be temporary, and, given the modest scale of the proposal, there is no evidence that they could not be managed effectively. Established highway controls already regulate works on or near the highway through permit systems and traffic management plans. These measures ensure safe pedestrian routes, clear signage, and coordination to minimise disruption.
26. Taking the above into account, I find that the smart hub would be appropriately located within an existing street furniture corridor. It would maintain generous pedestrian space and avoid creating hazards for road users or obstructing bus operations. On this basis, the proposals are acceptable in respect of highway, public and pedestrian safety.
27. Appeal A would therefore accord with Policies QD2, QD3 and QD12 of the DP, and Policies T2, T4 and D8 of the LP. Collectively, these policies require that street furniture and advertisements do not adversely affect highway safety, by maintaining clear and unobstructed pedestrian routes, avoiding hazards for drivers or pedestrians, and minimising conflicts between users.
28. Appeal A would also comply with the Framework, insofar as it requires that advertisements should not compromise public safety. Appeal B would similarly comply with these policies and requirements, insofar as they relate to advertisements and public safety.

Other Matters

29. The appellant argues that the Council, and by extension myself, should take the expired prior approval scheme into account in the interests of consistency in decision-making. However, given my findings on the main issues above - where I have concluded that the proposed smart hub is acceptable on its own merits - any consideration of that expired scheme would not have altered the outcome of this appeal. Accordingly, it has not been determinative.
30. Although concerns have been raised regarding health impacts on those with high sensory restrictions, due to the illuminated adverts, there is no evidence specific to this proposal or its location that would substantiate such concerns.

Conditions

31. I have considered the suggested conditions from both the Council and the appellant for each appeal against paragraph 57 of the Framework and the advice in the Planning Practice Guidance. Where necessary, I have edited and merged conditions to improve precision and enforceability.
32. For Appeal A, in addition to the statutory time condition, a condition listing the approved drawings is required to ensure clarity on what has been permitted. The same applies to Appeal B.
33. In Appeal B, all advertisements granted express consent are subject to the five standard conditions set out in the Regulations. Beyond these, I have imposed additional conditions suggested by the Council to prevent visual intrusion and

harm to highway safety. These include controls over illumination intensity, a minimum display period for each advertisement, near-instantaneous changes between displays, and a prohibition on special effects.

34. An additional condition has been proposed to restrict activities on the highway, specifically concerning the footpath and adjacent carriageway, and to require compliance with existing restrictions such as parking. This seems intended to reinforce adherence to current regulations and legislation rather than introduce new or additional controls. I have no reason to believe that the existing regulations and powers are inadequate to manage the matters the condition seeks to address. On that basis, the condition does not meet the test of necessity and cannot be justified.

Conclusion

35. In respect of Appeal A, the proposed smart hub would accord with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
36. In respect of Appeal B, the display of the advertisement, would not be harmful to amenity or public safety.
37. Therefore, for the reasons set out above, I conclude that the appeals should be allowed.

R Lawrence

INSPECTOR

Schedule of conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Lew-NCR/2024/03 (Proposed Site Plan) and Lew-NCR/2024/04 (Technical Specifications Elevations).

Appeal B

- 1) The advertisements hereby permitted shall be carried out in accordance with drawing nos Lew-NCR/2024/03 (Proposed Site Plan) and Lew-NCR/2024/04 (Technical Specifications Elevations).
- 2) The minimum time display for each advertisement shall be ten seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
- 3) There shall be no special effects (including noise, smell, smoke, animation, cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
- 4) The interval between successive displays should be instantaneous (0.1 seconds or less), with no sequencing, fading, swiping or merging of images. The approved display shall contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
- 5) The display shall not use any advertisement which resembles traffic signs, traffic lights or traffic matrix signs.
- 6) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 cd/m² between dusk and dawn, and at any other time shall be controlled in order to reflect ambient light conditions and shall be no greater than the recommended maximum daytime luminance levels set out in Table 10.5 within the Institute of Lighting Professionals (for a sign within Zone E4) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).

**** End of schedule ****