

**Town and Country Planning (Control of
Advertisements) (England) Regulations 2007**

Heathrow Interchange, Stockley Road, West Drayton

Installation of 1 externally illuminated vinyl banner

LPA Ref: 78228/ADV/2023/39

Grounds of Appeal

Contents

1.	Introduction and Summary	3
2.	Application Process	4
3.	Site and Surroundings	5
4.	Appeal Proposal	8
5.	Planning Regulations and Policy	9
6.	Planning Considerations.....	11
7.	Conclusions	13

1. Introduction and Summary

- 1.1 The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the refusal of express consent to display an advertisement at Heathrow Interchange, Stockley Road, West Drayton.
- 1.2 The application (LPA Ref: 78228/ADV/2023/39) was made on 17th August 2023 and sought consent for one externally illuminated advertising banner for a temporary period of three years. The banner was intended to target traffic leaving Heathrow Airport and joining the M4 towards London. The banner would add visual interest to a harsh environment dominated by transport infrastructure.
- 1.3 The application was refused on the 17th October 2023 on the following grounds:

“The proposed advertisement by reason of its size, siting and design would have a significant harmful impact on the visual amenities of the surrounding area, creating advertising clutter where none exists at present and degrading the visual quality of the area and open Green Belt setting. The proposal is therefore contrary to the Council's adopted policies, in particular Policies BE1 of the Hillingdon Local Plan Part 1 (November 2012) and Policies DMHB 11, DMHB 13A and DMEI 4 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020)”.
- 1.4 Copies of the application made to the Council, the decision notice, officers report and supporting documents are enclosed separately with this submission.
- 1.5 The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative effects. The appellant set out in the application submission why the proposal is considered to be acceptable in these regards. This is expanded upon within this statement.
- 1.6 The applicant is seeking to work with major brands to sell the space creatively. The location offers a unique opportunity for advertisers to be creative with advertising campaigns, linked to the airport and London as a visitor destination.
- 1.7 The surrounding area is commercial and the location is dominated by transport infrastructure and robust to change. The advertisement would provide visual interest to this corner of the junction and will act as a wayfaring point for drivers as they exit the airport and connect with the M4 into London.

2. Application Process

- 2.1 The applicant sought to engage with officers during the application process and was made aware of a single objection halfway through the process. Enquiries were made as to the nature of the objection so that a response could be prepared or amendments made. No further details were provided and the only further correspondence was the decision notice, some weeks beyond the determination date. The Council do not provide any function for commenting online and did not consult on the application. The source of the objection remains unknown although the nature of the objection is outlined in the delegated report.
- 2.2 The appellant was open to removing the illumination or reducing the scale had there been an opportunity to negotiate.

3. Site and Surroundings

- 3.1 The appeal site is at the boundary edge of an open area of low-quality land that is in no specific use. However, the land performs the function of providing a strategic gap as part of the green belt at the edge of London. This gap is intersected by the A408 and M4 slip roads, which are not part of the wider green belt designation. Visually, the openness of the green belt in this location is interrupted by the elevated section of the M4, multiple surrounding road signs and hotel development on both sides of the M4.
- 3.2 The site has historically supported a number of advertising hoardings along this boundary (Figure 1), but it is understood that they were removed by the operator in 2008. There is no planning history available for the site to confirm whether the previous advertisements benefitted from express or deemed consent under Class 13 of the Advertisement Regulations having been in situ for a period of over ten years. Nevertheless, the advertisements were removed by the operator rather than under enforcement and there is no record of any enforcement action having been taken in the past at the site.



Figure 1 – Google Street View of the site from August 2008 (proposed location of advert to left of CCTV)

- 3.3 The proposal site will be mainly viewed in the context of a large amount of road infrastructure as the main interchange from Heathrow Terminals 1,2 and 3 (Figure 2).
- 3.4 The surrounding area consists of commercial uses including a number of Airport Hotels, a concrete mixing facility and the Stockley Park Industrial and Business Estates. The east of the site is a Premier Inn, Esso Garage and Starbucks Drive-Through which all support illuminated signage in a similar context.
- 3.5 The scale of development is large and the spaces between plots is vast, creating a very car oriented local environment. There is currently very little advertising on the

approach to Heathrow, until you reach the entrance point shown in Figure 4, which offers a similar road layout to the proposal.

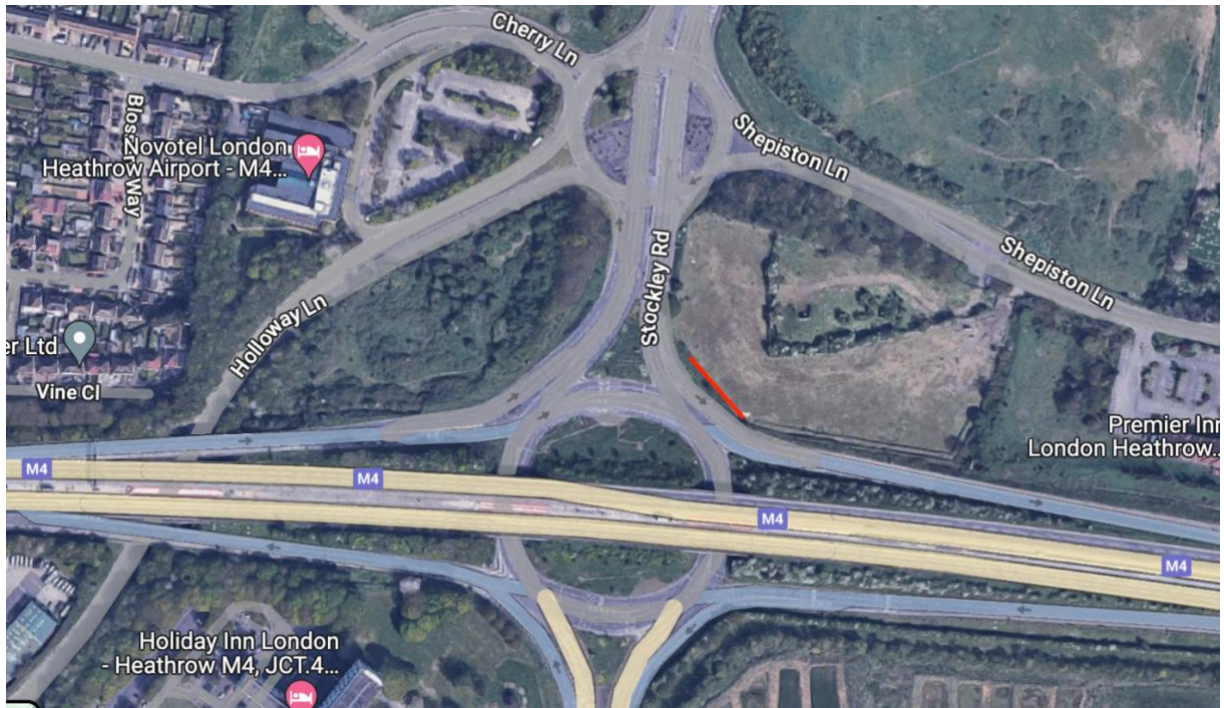


Figure 2 – Site in context of Heathrow Interchange



Figure 3 – Welcome to Heathrow Advert in similar context

Planning History

- 3.6 There is no planning history relevant to the site. As outlined earlier, advertisements have previously been in situ and were removed by the operator in 2008. It is not known when

they were first erected as streetview records only go back to 2008.

- 3.7 Both in the UK and abroad it is commonplace for large format roadside advertising to be located on the approaches to airports, although in the UK most are erected on Airport land which falls outside of the control of planning under the Advertisement Regulations Class A. For example, there were multiple advertisements erected following the development of Terminal 5 (Fig 4).



Figure 4 – Heathrow Terminal 5 advertising

- 3.8 The nearest consented advertisement to the site is on the M25 at the approach to the junction of the M4, approximately 3km to the west of the site. Slough Council approved the conversion of a longstanding 96 sheet (12m x 3m) display to a digital format in 2015 (LPA Ref: 15/01969/ADV). Notably this site is also in the Green Belt but was supported as the location is clearly of low amenity value and is dominated by the road infrastructure.



Figure 5 – Heathrow approach, Court Lane (M25)

4. Appeal Proposal

- 4.1 The proposal seeks advertisement consent for a large format “banner” type of advertisement facing traffic seeking to join the M4 towards London. The advertisement would be made of vinyl, stretched across a frame supported by a temporary scaffold structure. It would display commercial advertising sold in fortnightly slots (i.e. advert changes every 2+ weeks).
- 4.2 The proposed banner advert would measure 6m (h) by 17m (w) and be elevated just above the boundary fence level. The tubular metal scaffold structure will be temporary in nature and anchored to the ground. Wind load and weight calculations will be carried out to guarantee a safe installation. The advert and temporary structure will be in situ for a period of three years and the structure, lights and fittings will be reused after dismantling.
- 4.3 The advertisement would not be readily visible from the elevated section of the M4 and would be targeted at stationary drivers waiting at traffic signals, primarily meaning those vehicles travelling towards London from Heathrow Terminals 1,2 and 3; or headed to the airport from the M25 and M4 west.
- 4.4 The advert will be externally illuminated from above with 100W floodlights. The maximum luminance will be 200cd/m² in accordance with the Regulations and ILP Guidance Note PLG05: The Brightness of Illuminated Advertisements.
- 4.5 A CGI of the proposal illustrates how it would look in situ and is included below at Figure 6. As can be seen in the image, the height of the proposal is comparable to the height of the elevated section of the M4.



Figure 6 – CGI of proposed advertisement

5. Planning Regulations and Policy

- 5.1 The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations"). Regulation 3 states that advertising should be controlled in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, in addition to any other relevant factors.
- 5.2 The National Planning Policy Framework 2023 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. In accordance with Paragraph 136 of the National Planning Policy Framework (NPPF) advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. As described in the National Planning Practice Guidance (NPPG) the regime is a "lighter touch" than the system for obtaining planning permission for development.
- 5.3 The NPPG clarifies that a local plan does not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.
- 5.4 The development plan for the area consists of the London Plan 2021 and the Hillingdon Local Plan Part 1 and Part 2 (2020).
- 5.5 There is no specific policy in the Hillingdon Local Plan relating to this specific type of advertisement. However, Policy DMHB 13A "Advertisements and Shop Signage" states:

"In order to improve and maintain the quality of the public realm, advertisements, signs and hoardings will be required to demonstrate that:

- i. they complement the scale, form, materials and architectural composition of the individual buildings of which they form a part;*
- ii. they complement the visual amenity and character of the site and surrounding area;*
- iii. they enhance historic assets and their setting;*
- iv. they do not have an adverse impact on public or highway safety;*
- v. they do not lead to visual clutter;*
- vi. they provide an appropriate type and level of illumination, suitable to the site and its surroundings; and*
- vii. they enhance the visual amenity of vacant sites, building sites and the surrounding area during the construction period".*

- 5.6 In this instance the proposal is in an area of low amenity value and the signage will enhance the amenity of what is a vacant site next to a major road junction by virtue of introducing a wayfaring point and some visual interest to drivers. The proposal will be assessed against this policy and National Guidance in the following section.
- 5.7 The officers report identifies the following Policies as all being relevant:
Local Plan Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Local Plan Part 2 Policies:

- DMHB 11 Design of New Development
- DMHB 13A Advertisements and Shop Signage
- DMT 2 Highways Impacts
- DMEI 4 Development on the Green Belt or Metropolitan Open Land
- NPPF Chapter 4 - Decision-Making
- NPPF Chapter 12 - Achieving well-designed places
- NPPF Chapter 13 - Protecting Green Belt Land

- 5.8 The appellant considers only Paragraph 136 of Chapter 12 of the NPPF and Policy DMHB13A to have any direct relevance.
- 5.9 The reason for refusal cites Policy BE1, Policies DMHB 11 DMHB13A and DMEI 4 as being in conflict with the proposal.
- 5.10 Policy BE1 requires all new development to improve and maintain the quality of the built environment. It relates to built development and contains no specific reference to advertisements. Policy DMHB 13A is the relevant policy in this regard.
- 5.11 Policy DMHB similarly relates to securing the highest standards of design for all development and contains no reference to advertisements. This is appropriately dealt with by DMHB13A which is more specific.
- 5.12 Policy DMEI4 relates to development within the Green Belt and Metropolitan Open Land, referring indirectly to the NPPF definitions of appropriate and inappropriate development and providing guidance on assessing the impact on openness. The proposal is for a temporary advertisement site and should be assessed against the provisions of the Advertisement Regulations only. As such the only applicable part of this policy is the impact that the proposal may have on openness, in so far as this relates to amenity. The proposed advert would be no higher than the elevated section of M4 and would be along the boundary line between an open field and a major road network. There is little intrinsic amenity value to the existing site and the impact on its openness would be insignificant given the length of this boundary. There are many examples of advertisements located within the Green Belt (e.g. Fig 5). Areas of the Green Belt that require special protection on amenity grounds are often made Areas of Special Control, which is not the case in this instance.

6. Planning Considerations

- 6.1 The applicant set out the case for the proposal within the submission, much of which is replicated below. As with all applications for advertisement consent, the impact on amenity and public safety are the only considerations. As the site is not part of a designated Conservation Area there is no duty on the decision maker to consider the need to preserve or enhance the non-designated area.

Amenity

- 6.2 The NPPG states that;

“...in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site”. [emphasis added]

- 6.3 The advertisement is located in a commercial area of a major city, adjacent to a major road network on a primary route to and from the airport.
- 6.4 The local characteristics of the site are material in assessing the proposals impact, whether this be visual or more general. Notwithstanding the open area of the site, the surrounding area is very commercial, consisting of airport hotels, industrial estates and a large concrete mixing facility. The immediate local environment is visually harsh and dominated by the road network. The advertisement would provide a wayfaring point and visual interest to this corner of the junction. The temporary period of three years acknowledges the temporary nature of the structure and will allow for the assessment of the proposal in situ.
- 6.5 In the past the site has hosted a number of advertisements with no record of complaint or enforcement which is usually a strong indication of acceptability.
- 6.6 The adjacent land to the east has been developed for a Premier Inn Hotel, Esso Garage and Starbucks Drive Through, establishing a commercial character to the wider land despite the sites green belt designation. The parcels of land on the opposite side of the M4 contain a large hotel and a quarry. The proposal would not appear as an unusual insertion in the context and would have little impact on the amenity of the area. This is perhaps demonstrated by the lack of any enforcement action when the previous applications were in situ. The Officer's report notes that these advertisements were not illuminated as there are no lighting troughs visible. However, it appears likely from the depth of the signage in the images that the adverts would have been backlit.

Public safety

- 6.7 The Council has not raised an objection in relation to highways safety. The officers report notes concerns of the planning officer but given the lack of objection from the Highways officer this was not considered to merit a reason for refusal.
- 6.8 The proposed advert has been positioned to be visible to drivers waiting at the traffic signalled junction immediately to the west of the site at the top of the roundabout. It will not be visible from the M4.
- 6.9 In accordance with the data available on crashmap, despite this being a very busy and potentially complex junction, there have been no serious traffic incidents on the approach to the site across the 23 years of available data. In the past 5 years there have only been three minor incidents in proximity to the site, which represents a very good accident rate given the volume of traffic passing through.
- 6.10 Advertisements and signage are a common sight on arterial roads in major cities across the world and as such, are not an "unusual" distraction for drivers. The advertisement would be static and would be in the drivers cone of vision. Banner advertisements of this type are increasingly common on build projects and rarely attract highways objections due to being static and large enough to ensure that drivers can assimilate the information in one glance.
- 6.11 Research on roadside advertising suggests that drivers always give priority to the driving environment taking in non-essential information according to road conditions and whether there is sufficient 'spare capacity' to perform such tasks.
- 6.12 The Welcome to Heathrow Signage illustrated at Figure 3 is a comparable example that demonstrates this point.

7. Conclusions

- 7.1 The appeal is submitted against the Council's decision to refuse advertisement consent for an externally illuminated vinyl banner target at vehicles leaving and arriving at Heathrow Terminals 1,2 and 3 and travelling into London via the M4.
- 7.2 The Council's decision overstates the amenity value of the land and dismisses the history of the site as a location for advertising. In accordance with the NPPG advice on assessing amenity, a light touch approach should be taken and advertisements should be permitted in a commercial area of a major city where there are large buildings and main highways, and where the visual amenity of the area will not be harmed. The site is adjacent to major transport infrastructure and offers little in the way of visual amenity. It is therefore considered to be an area that is robust to change.
- 7.3 The proposal will act as a wayfaring point and welcoming sign for visitors. At its best, advertising is a creative artistic medium that can excite and interest. The proposal offers a great opportunity for advertisers to achieve this.
- 7.4 The proposal is for three years only, noting the temporary nature of the structure. This will allow for further assessment.
- 7.5 For all of the above reasons, it is requested that the appeal be allowed.