

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

Advertisement Appeal

Appellants Statement

Appeal by JCDecaux UK Limited (JCD) against the refusal of advertisement consent for the display of a two internally illuminated advertisements hoardings in a 'V' formation, each measuring 6m x 3m on land between 779 and 825-827 Uxbridge Road, Hayes.

JCD Ref: A01058

LPA Ref: 47648/ADV/2015/70

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1.0 Introduction

- 1.1 This appeal is submitted by JCDecaux (the appellant) against the decision of the London Borough of Hillingdon's (the LPA) to refuse advertisement consent for the alteration to an existing advertising site at land between 779 and 825-827 Uxbridge Road, Hayes.
- 1.2 The proposed display is an advertisement for the purpose of the Town and Country (Control of Advertisements) England Regulations 2007 ("the Regulations") and the application was submitted pursuant to regulation 9 of the Regulations and via the Planning Portal.
- 1.3 The application was submitted on the 18th September 2015. The application formally registered and validated on the 22nd September 2015 under LPA reference 47648/ADV/2015/70.
- 1.4 The application documents included OS plans and details of the proposed advertisement displays together with images of the appeal site surroundings. An assessment of the site context and the local area is contained within the application documentation and the applications context within policy. The application was refused by delegated decision and the notice issued on the 10th November 2015. A copy of the decision notice is attached to the appeal documents.
- 1.5 In light of this decision and the express requirements of regulation 3 of the Regulations, the relevant considerations in this case are:
- Whether the proposal unacceptably harms the character and appearance of the local area?
 - Would the proposal substantially increase the level of visual clutter to cause the site to be of considerable detriment to the busy highway?
- 1.6 This appeal is to be dealt with by way of the written representation procedure, therefore this statement sets out the full details of the appellant's case.

2.0 Background

- 2.1 The specific appeal site is land that is owned by the appellant and is currently used for the display of a single 48 sheet advertisement, which provides a display area measuring 6m by 3m. The advertisement is elevated to a height of 1.5m with a solid timber base.
- 2.2 Previously, there was a 96 Sheet advertisement on site, effectively creating a 'V' formation with the existing 48 Sheet. However, this was removed in 2014 due to storm damage.
- 2.3 This application, which is the subject of this appeal sought consent to install two internally illuminated sequential advertisements in a 'V' formation after the removal of the externally illuminated 48 Sheet. The initial application was refused, date of decision 10th November 2015, for reasons of visual amenity only.

3.0 The Proposed Development

- 3.1 This proposal seeks consent to replace the landscape externally illuminated display with a two internally illuminated advertisements, which will be used to display illuminated static images that are capable of changing sequentially. The proposed advertisement will be two freestanding structures in a 'V' shaped formation each incorporating a single screen measuring 6m high by 3m wide. The advertisement will have a maximum illuminance that does not exceed 300 Cdm². The illuminance of the display will continue to be limited to a maximum of 300 Cdm² during the hours of darkness, thereby limiting the visual impact of the advertisement at night time.
- 3.2 The displays will be sited within an established advertising site. The proposal will include the removal of one display, with the introduction of two sequential advertisements. The proposed displays will be 2.5m from ground level, facing in an easterly and westerly direction respectively. There are numerous other advertisements in the vicinity of the site, including a digital advertisement on the overlooking flank wall, which the proposal seeks to complement and integrate with.
- 3.3 The structure height will be marginally over 6m and set against the backdrop of the tree line along Uxbridge Road. The site also features other advertisements which reflect the lands appropriate use. There are no properties that directly overlook the appeal area which is situated along the busy arterial route of Uxbridge Road. The road itself is devoid of any aesthetic appeal and only holds logistical significance. Overall, it is considered that proposal would complement the scale and the concomitant use of the immediate townscape replicating the recent and existing format without causing harm to visual amenity.

4.0 Policy Considerations

- 4.1 The stated reasons for refusing consent, as articulated in the LPA decision notice and the Policies cited therein, are based on a perceived harm to visual amenity and conflict with development plan policies. No objection has been raised in respect of public safety. Local policy and guidance can be material considerations in the determination of applications and appeal relating to advertising development but only where the policy aims are applicable and related to amenity and public safety matters, the primary considerations in advertisement developments.¹ Nevertheless the Appellant submits that policy is supportive of the appeal proposal in several respects.

National Guidance

- 4.2 National Guidance on the control of advertisements is provided within paragraph 67 of the **National Planning Policy Framework** (NPPF), which has superseded the more comprehensive advice contained within the erstwhile guidance in PPG19. Whilst much of the detailed advice has been removed, the support for sustainable forms of development remains a fundamental part of the guidance.
- 4.3 Advertising is an important part of a diverse and vibrant market economy to promote businesses, products and services. A vibrant advertising sector contributes to sustainable economic growth by encouraging consumer confidence and consumer spending, a key component of economic growth. Furthermore the use of modern technologies and recycled material in the development is consistent with the aim of sustainability through building design. The NPPF promotes the planning system as an enabling one with paragraph 19 emphasising the role of the planning system to support economic growth:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.”

¹ Regulation 3 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007/783

Therefore significant weight should be placed on the need to support economic growth through the planning system”

4.4 In respect of advertisements the NPPF states that:

“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” (Para. 67)

4.5 More generally, relevant core planning principles of the NPPF include the aim of securing high quality design in new buildings and encouraging vitality in urban areas, both of which are embodied in the proposal. Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally within an area. Therefore, in respect of the aims of paragraph 67, the proposal development is in accordance with the NPPF.

4.6 Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the **Communities and Local Government Planning Practice Guidance** (“PPG”), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals.

4.7 On the matter of general amenity, the PPG 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.”

- 4.8 The use of the appeal site for advertising purposes is long established and its suitability as a location for advertising has been reaffirmed in the recent digital development of a contiguous advertising panel. This current scheme has been designed to better reflect the established and expected use of the plot of land along Uxbridge Road. The positioning of the advertisements have been carefully considered and will sit more appreciably within the streetscape.

Local Policy

- 4.9 The LPA's decision to refuse advertisement consent, as expressed within its decision notice dated the 10th November 2015, refers to an adverse impact on the visual amenity if the character and appearance if the surrounding area by virtue of their siting, size and scale. The decision relies upon the provisions of policy BE27 of the Hillingdon Local Plan Part Two – Saved UDP Policies, 2012.

Unitary Development Plan (UDP) Policies

- 4.10 **BE27** - This policy is closely aligned with the assessment criteria under the 2007 Regulations. The policy does not provide detail criteria but adopt a presumption in favour of development that comply with the Regulations and does not harm the interests of amenity or public safety. The policy sets out three key indicators, with ii) and iii) repeating the 2007 Regulations criteria's of no material harm to visual amenity nor compromising public safety respectively. BE27 i) indicates that express consent should be granted only if the proposal complements the scale, form and architectural composition of individual buildings. The application meets these measures through its ability to replicate the existing established use and the apposite size and scale of the display. There is little architectural significance in the area which must be overcome, primarily due to the major thoroughfare of Uxbridge Road and the relative isolation of the plot of land used for advertising.
- 4.11 For the reasons mentioned above and in light of the character of the area, the existing uses of the site and the level of lighting associated with this main transport route, the

proposal will not result in any tangible harm to local visual amenity. The proposal seeks to enhance an existing established advertising site that will not cause harm to visual amenity or cause a danger to the public.

4.12 The area is very well lit by high level street lights and the luminance of the proposed screen would be proportionate to the environment and consistent with Institute of Lighting Professionals (ILP) advice, 2015. The proposed limitations on the night time levels will ensure the lighting of the advertisement meets ILP 2015 standards and would not result in significant light pollution.

4.13 Overall the policy will not be offended or undermined by this development.

5.0 Conclusion

- 5.1 It is the applicant's view that the proposed advertisement is a complementary use of the land that when viewed in the context of the locality and is not detrimental to the overall appearance of the area.
- 5.2 The scale of the advertisements setting and the generally unprepossessing nature of Uxbridge Road indicates the local environment is one that can accommodate a development of this type without harming its local character.
- 5.3 There are no heritage assets within close proximity to the application site where the setting would be adversely affected by the proposal. The site does not lie within a Conservation Area but forms part of a specific advertising site which is sufficiently removed from a conservation area or listed building as not to harm its character or appearance.
- 5.5 The reasons for refusing consent cannot be substantiated and are unreasonable. The proposal will not result in harm to the locality and it remains a development that accords with the Regulations and guidance and the same policy requirements of Hillingdon's Unitary Development Plan (UDP).
- 5.6 The Inspector is respectfully requested to uphold this appeal and to grant express consent for the development applied for.

List of Appeal Documents

S9 Advertisement Application

- **Application form**
- **All in One Application Submission**

Refusal Notice for application 47648/ADV/2015/70, dated 10th November 2015