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Local Planning Authority Ref. 12546/ADV/2020/17

Planning Appeal Statement

37 Green Lane
Northwood
HA6 3AE

Ref: 15196

Date: 11 May 2020

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1. INTRODUCTION

- 1.1 Evans Jones Ltd, are instructed by Mr Ashok Chowdry to present the case demonstrating that advertisement consent should be granted for the installation of 2 internally illuminated fascia signs and 1 internally illuminated hanging sign at 37 Green Lane, Northwood, HA6 3AE.
- 1.2 The submitted application, subject to this appeal, comprised of the following drawings/documents;
 - Drawing No. 1909-37GL-001 Rev. A – Site Location Plan
 - Drawing No. 1909-37GL-020 Rev. A – Proposed Floor Plans
 - Drawing No. 1909-37GL-202 Rev. P1 – Proposed Front Elevation
 - Drawing No. 1909-37GL-212 Rev. P2 – Proposed Side Elevation
- 1.3 The application was refused consent by Hillingdon Council under Delegated Powers on 7 April 2020 citing the following refusal reason:

“1. The proposed advertisements by virtue of their position, size, design, materials and means of illumination would fail to harmonise with the architectural composition of the original building, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Northwood Town Centre, Green Lane Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 13A of the Hillingdon Local Plan Part Two -Development Management Policies (January 2020), Policy 7.8 of the London Plan (2016) and the NPPF.”
- 1.4 A copy of the Local Planning Authority’s (**the LPA**) Decision Notice is contained within **Appendix 1** of this Statement.
- 1.5 The primary considerations for advertisement consent applications are set out within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (**the Regulations**). The Regulations are clear that the powers for local authorities are in the interest of amenity and public safety.
- 1.6 The relevant factors to be considered in amenity terms are the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

- 1.7 In relation to public safety the relevant factors are the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome; whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 1.8 It is therefore clear that the only matters to be considered with an application (and appeal) for advertisement consent relate to amenity and public safety. Given the refusal reason cited it is clear that the only matter to be considered as part of this appeal relates to amenity impacts.
- 1.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 1.10 This Statement reviews the relevant Development Plan policy framework as it applies in this case, together with the other material considerations. On the evidence presented it will be demonstrated that the signage is appropriate and does not cause demonstrable harm to the amenity of the area.

2. SITE AND SURROUNDINGS

2.1 The appeal site is located at 37 Green Lane, Northwood.

2.2 The site comprises a former bank set within the commercial and retail centre of Northwood. The site can be seen in its context in Figure 1 below.

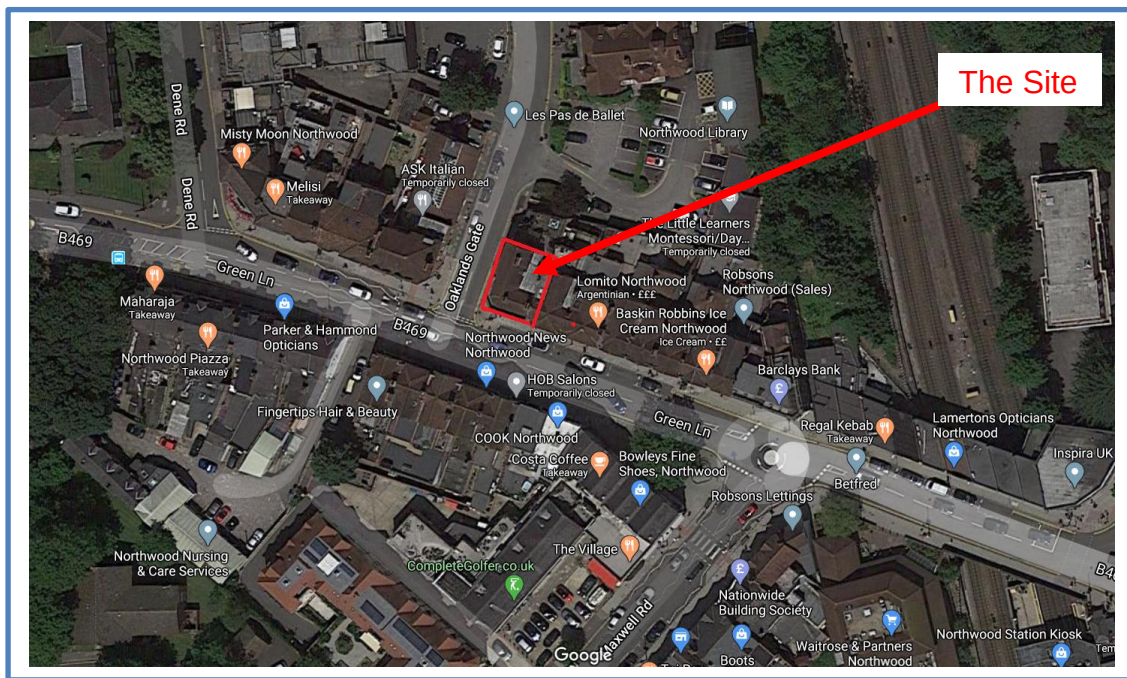


Figure 1 - Site Location (taken from Google Maps)

2.3 The character of the area is undeniably commercial with a mixture of shops, banks, cafes and restaurants along Green Lane. Being the case, there are a vast quantity of advertisements in the locality of the appeal site with the majority being illuminated. This is a clear characteristic of the area.

2.4 Additionally, the site is located within the Northwood Town Centre Green Lane Conservation Area and shown as a Locally Listed Building within the Northwood Town Centre, Green Lane Conservation Area Appraisal.

3. APPEAL PROPOSAL

- 3.1 The appeal proposal seeks advertisement consent for the installation of 2 internally illuminated fascia signs and 1 internally illuminated hanging sign. The proposed front elevation is shown below in Figure 2.



Figure 2 – Front Elevation as Proposed

- 3.2 Full details of the signage is provided on the submitted plans together with the information supplied on the planning application form all of which are provided as part of the appeal documents.
- 3.3 The signage is positioned in a logical manner making use of the buildings specifically designed features that have historically been utilised for advertisements.

4. PLANNING HISTORY

4.1 A review of the Council's online planning register shows the following applications which are of relevance to this appeal:

Reference	Location	Proposal	Received	Status
<u>12546/APP/2020/563</u>	37 GREEN LANE NORTHWOOD	Details pursuant to condition 4 (Materials staff entrance) of planning permission Ref: 12546/APP/2019/3255 dated 13/12/2019 (Change of use from bank (Use Class A2) to a mixed use comprising retail/cafe (Use Classes A1/A3) including alterations to elevations)	19-02-20	Refusal (P)
<u>12546/ADV/2020/17</u>	37 GREEN LANE NORTHWOOD	Installation of 2 internally illuminated fascia signs and 1 internally illuminated hanging sign	05-02-20	Refusal (P)
<u>12546/APP/2019/3255</u>	37 GREEN LANE NORTHWOOD	Change of use from bank (Use Class A2) to a mixed use comprising retail/cafe (Use Classes A1/A3) including alterations to elevations	03-10-19	Approval
<u>15489/ADV/2013/76</u>	NATWEST 37 GREEN LANE NORTHWOOD HA6 3AE	Installation of 2 fascia signs, 1 hanging sign, 1 non illuminated ATM sign, 1 non-illuminated placard and 2 posters	13-08-13	Approval
<u>15489/APP/2013/2315</u>	NATWEST 37 GREEN LANE NORTHWOOD HA6 3AE	Internal renovations and minor alterations to elevations including a new ATM bezel	13-08-13	Approval
<u>15489/G/96/3061</u>	37 GREEN LANE NORTHWOOD	Installation of two internally illuminated fascia signs, one internally illuminated projecting sign and two non-illuminated wall signs	06-06-96	Approval

4.2 It can be seen from the above that the appeal site has recently received planning permission (12546/APP/2019/3255) to change use from a bank (Use Class A2) to a mixed use comprising retail and a café (Use Classes A1/A3). This appeal relates to the advertisement sought in relation to that change of use.

4.3 It can also be seen that approval has been given previously for illuminated fascia signage on the building. Application 15489/G/96/3061 was approved in 1996 for illuminated signage. Unfortunately, no application details were available on the LPA's website.

4.4 More recently signage was approved under application 15489/ADV/2013/76. A copy of the approval and associated front elevations are provided at **Appendix 2** of this statement. It is noted that the fascia sign was non-illuminated but with the exception of this the advertisements are similar in size, position, design and materials.

5. PLANNING POLICY CONTEXT

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

- 5.2 The Development Plan policy context for the site and the surrounding area is provided by the Hillingdon Local Plan Part 1 – Strategic Policies (**the Local Plan Part 1**), the Hillingdon Local Plan Part 2 – Development Management Policies (**the Local Plan Part 2**), and the London Plan.

- 5.3 The following policies are considered to be the most important for the determination of this appeal:

- BE1 – Built Environment (Local Plan Part 1)
- HE1 – Heritage (Local Plan Part 1)
- DMHB1 – Heritage Assets (Local Plan Part 2)
- DMHB4 – Conservation Areas (Local Plan Part 2)
- Policy 7.8 – Heritage Assets and Archaeology (London Plan)

National Planning Policy Framework

- 5.4 The National Planning Policy Framework (**the Framework**) was revised on 19th February 2019. The Framework sets out the Government’s economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.
- 5.5 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means “*approving development proposals that accord with an up-to-date Development Plan without delay*” or “*where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, granting permission unless: i) the application of policies in this*

Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.”

- 5.6 The Framework defines the three overarching objectives of sustainable development as:

An Economic Objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

A Social Objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;*

An Environmental Objective – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 5.7 These objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; they are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.8 Paragraph 212 of the Framework advises that the policies within the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.
- 5.9 Paragraph 213 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to

publication. Due weight should be given to them, according to their degree of consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

- 5.10 Section 12 of The Framework provides context to design with planning. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 5.11 Section 16 provides context to conserving and enhancing the historic environment. Paragraph 193 states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Other Material Policy Considerations

- 5.12 Outside of the Development Plan and the Framework, there are other material considerations that need to be taken into account in relation to this development. In this case, the other material policy considerations are:
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - Northwood Town Centre, Green Lane Conservation Area Appraisal

Appropriate Weight

- 5.13 Regarding the weight that is given, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, determination of applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, full weight is given to the Local Plan Part 1, the Local Plan Part 2 and the London Plan as they form the Development Plan.
- 5.14 As it forms the basis of Government policy for planning applications, significant weight should be given to the policies of the Framework. This should not be at the expense of the Development Plan since it is up to date.

- 5.15 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the statutory basis for dealing with proposals that affect conservation area and listed buildings. As such it is a significant material consideration. The Northwood Town Centre, Green Lane Conservation Area Appraisal provides context to the special architectural and historic interest that inform the character and appearance of the conservation area. It is therefore material to decisions as a form of guidance.

6. PLANNING CONSIDERATIONS

- 6.1 As set out earlier within this statement the Regulations are clear that the powers for local authorities (and Inspectors) when considering applications for advertisement consent are in the interest of amenity and public safety. Given the refusal reason provided by the LPA it is clear that only issues relating to amenity are relevant to this appeal.
- 6.2 The relevant factors to be considered in amenity terms are the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 6.3 With regard to the appeal site as previously described it is part of a conservation area and deemed to be locally listed (thus a non-designated heritage asset). As also outlined, the site is within a commercial centre where signage and advertisements are commonplace. Furthermore, the building has, until very recently, had similar signage present on it.
- 6.4 Provided at **Appendix 3** of this statement are a series of photographs taken from Google Street View. These photographs show that the modern signage, approved under application 15489/ADV/2013/76, was present on site for 4 years. When the bank ceased trading the signage was removed and thus the current Street View image (not included) shows the building in 2019 without any advertisements. However, it is clearly apparent that the signage was approved and on the site for a considerable period of time. Furthermore, the size, positing, material and general style are virtually identical to that now proposed.
- 6.5 The only difference between the previously approved and installed signage to that now proposed is the fact that the current proposal seeks illumination.
- 6.6 The LPA's refusal reason states that the signage is unacceptable due to its *"position, size, design, materials and means of illumination would fail to harmonise with the architectural composition of the original building, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Northwood Town Centre, Green Lane Conservation Area."*
- 6.7 As described and shown within the Street View Images provided at Appendix 3, the position, size, materials and general design are consistent with the previously approved and installed signage. The policy position, whilst updated

since 2013, is not materially different in regard to heritage matters and there has been no changes in the Regulations that would affect the considerations to be given to advertisement consent applications. As such, the LPA have been inconsistent with their decision making and failed to take into account the clear material consideration which is the previous consent.

- 6.8 As described the only difference relates to illumination. The illumination method proposed, whilst being modern in approach, is not inappropriate for the site's location within a commercial centre. Whilst it is acknowledged that the means of illumination can impact on the host property and can be inappropriate (flashing neon signage for example) this method is established and of a low impact. In these circumstances the modest nature of the illumination means that there is no harmful impact to the building or the amenity of the area.
- 6.9 It is fully acknowledged that the appeal site is locally listed and thus a non-designated heritage asset. It is also acknowledged that the building provides for a positive contribution to the conservation area through its prominent position and architectural features. However, the proposed signage is positioned on the building in a sympathetic manner such that it does not interfere with any of the building's architectural features. All of its important features will still be clear and prominent, as was the case with the signage previously installed of the premises.
- 6.10 Provided at **Appendix 4** shows Google Street View Images of other properties within Green Lane and the wider conservation area. What can be clearly seen from these images is that modern signage, including internally illuminated fascia signage, is prevalent. As part of these images the Barclays Bank is shown. This is at 55 Green Lane and is noted as locally listed within the conservation area appraisal. It clearly has modern fascia signage similar in size, position and materials to the signage proposed in this appeal. The properties shown on Maxwell Road are all noted as having a positive contribution to the conservation area. All of those properties have modern signage and it can be seen that Nationwide and Boots have internally illuminated fasciae.
- 6.11 It is clear that the character and appearance of the conservation area is heavily influenced by the presence of modern signage and advertisements. In the majority these advertisements and signs do not detract from the architectural

quality of the buildings, hence why many of them are either local listed or considered to have a positive impact.

- 6.12 The signage proposed within this appeal is consistent with the previous advertisements that were installed on the building. They do not affect any of the building's architectural features. They are consistent with signage within the conservation area as a whole, which clearly makes up a significant component of the existing commercial character. The illumination of the signage is minimal and again consistent with other advertisements within the conservation area.
- 6.13 Given the above, the proposed advertisements will preserve the character and appearance of the conservation area and will not harm the architectural features of the building which is locally listed and thus a non-designated heritage asset. Therefore, the proposed signage provides no harm to the identified heritage assets. With this being the case, the amenity of the area is unharmed.
- 6.14 The proposal is therefore in full accordance with the Development Plan and Framework.

7. SUMMARY AND CONCLUSIONS

- 7.1 The appeal proposal seeks advertisement consent for the installation of 2 internally illuminated fascia signs and 1 internally illuminated hanging sign at 37 Green Lane, Northwood, HA6 3AE.
- 7.2 The proposed advertisements do not lead to any amenity or public safety concerns. In specific relation to amenity issues, whilst the site is a non-designated heritage asset and is within a conservation area, no harm is caused to them as heritage assets.
- 7.3 The signage is wholly consistent with previously approved and installed signage and is commensurate with existing signage within the conservation area.
- 7.4 This Statement has reviewed the relevant Development Plan policy framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies and national guidance, and there are no other material considerations present to override them.
- 7.5 For the reasons given above, the Inspector is respectfully requested to allow the appeal as made.

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Drafted: MC 11/05/2020

Finalised: MC 12/05/2020