

APPEAL STATEMENT

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

Land at Uxbridge Road, Hayes

Application Ref: 69827/ADV/2022/13

May 2022

INTRODUCTION

1. The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Regulations”) against a refusal to grant express consent.
2. The appeal is made by Clear Channel against the decision of London Borough of Hillingdon (“the Council”) at Uxbridge Road.
3. Application reference 69827/ADV/2022/13, dated 7 February 2022, was refused by notice dated 4 April 2022.
4. The appeal proposal is the installation of two internally illuminated 48-sheet digital poster displays.
5. A copy of the application made to the local planning authority is enclosed, as is the decision notice and the Council’s delegated report.
6. Additional evidence in support of the appellant’s case, to include references to guidance, advice and legislation, are signposted by footnotes where necessary.

MAIN ISSUE

7. The Regulations state that the control of advertisements is exercisable only with respect to amenity and public safety¹. This is reiterated in the National Planning Policy Framework 2021 (“the Framework”)² and further advice is set out in the Planning Practice Guidance (“the PPG”)³.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the development plan does not apply to advertisement applications or appeals. Local policies are material only insofar as they are relevant; they cannot be decisive.
9. The Council raise no objections on the matter of public or highways safety⁴. The main issue, therefore, is visual amenity, as directed by the notice.
10. The notice advises that the Council deem the proposal as excessive in size, scale, and design, and the prominent siting and degree of illumination to result in dominant and harmful signage which would fail to complement the visual amenity and character of the site and surrounding area.

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

² Paragraph 136 of the National Planning Policy Framework July 2021

³ Planning Practice Guidance (Advertisements) July 2019

⁴ Section 3 of the Delegated Report (enclosed)

REASONS

11. The appeal site is located on the southern side of Uxbridge Road (A4020), within an area enclosed by timber hoarding. This part of Uxbridge Road is commercial in character and appearance, with a retail park and hotel sited to the west and east respectively. It is understood that the land is a development site under consideration for future commercial uses by both the site owner and Council, reflecting its employment and industrial land designation in the development plan⁵.
12. The proposal is for two internally illuminated 48-sheet displays sited in the north east corner of the plot. The displays would advertise to pedestrians, cyclists and motorists headed along the east-west A4020. Each would show static images at a frequency of once every ten seconds and be illuminated to levels recommended by the Institute of Lighting Professionals (PLG05)⁶.
13. A copy of PLG05 is enclosed with this appeal for reference and is summarised in the appellant's planning statement letter⁷. In short, however, the display would be illuminated *at night* to a level no greater than 300 candelas per square metre (cd/sqm). During the day, when ambient light levels are higher, the brightness level will be regulated by way of an ambient sensor. The system adjusts with the varying times of sunrise and sunset throughout the year.
14. The appellant also advanced several conditions in the interests of amenity and public safety, in addition to those applied as standard by the Regulations. These included restrictions on hours of operation, the frequency of images and the levels of illumination.
15. The principal concerns of the Council lie in the advertisement's perceived visual impact on the site and wider area, as well as its illumination. The Framework states that advertisements should be operated in a way which is simple, efficient and effective, and the PPG suggests that large advertisements are better located in industrial or commercial areas of a major city, where there are large buildings and main highways⁸; this is the case here.
16. Indeed, the south side of the highway is wholly given to commercial or industrial uses, reflecting the policies of the development plan and it is understood that the site hosted illuminated (mechanical) changing displays in the past⁹. Advertisements, therefore, are a feature of the landscape, with the degree of separation between them striking a reasonable balance in terms of visual impact. The proposed displays, to be sited further along the Uxbridge Road and separated

⁵ Hillingdon Local Plan, Part 1 (2012) and Part 2 (2020)

⁶ "The Brightness of Illuminated Advertisements" (PLG05, 2015) – enclosed

⁷ Planning Statement Letter dated 7 February 2022

⁸ Paragraph: 079 Reference ID: 18b-079-20140306

⁹ Appendix 1: Images of advertisements at the appeal site dated November 2012 (source: Google)

from the other commercial operations would not, firstly, contribute to clutter and, secondly, would not therefore look alien or incongruous in this context.

17. Visually, the advertising displays would be subservient in scale to the massing of the other buildings which front this part of Uxbridge Road. From the east, the display would be seen set against the tall and slender hotel building; from the west it would be seen in context of the retail park buildings. Overall, the simple landscape design would complement the rectangular and regular emphasis of these buildings such they would not be overly prominent in the commercial streetscape, and any dominance in scale is further reduced by the breadth and highly urbanised nature of the busy main road.
18. The advertisements' most prominent feature would be their illumination. Yet, illumination is not unusual in urban trunk road locations such as this, readily seen from street lamps, traffic lights and vehicles. The advertisements' illumination would be restricted appreciably, particularly at night when its impact is greatest (as a matter of common sense).
19. They are to be controlled by a light meter to allow the display to be visible in the ambient light. During hours of darkness, the greatest level of illumination would be 300 cd/sqm. These safeguards thus ensure that the requisite levels of illumination are set only to maintain legibility of the display, as desired by PLG05, and they would be switched off between the hours of 23.00 and 05.00. Conditions to this effect have been proposed by the appellant in the interests of clarity and enforceability and would address directly the concerns of the Council.
20. The Council also refer to the fact that there are no other signs of this type in the area, but this is irrelevant, and each case is to be assessed on its merits.
21. Bringing matters together, then, the site is not within a conservation area, nor are there any listed buildings present. There is nothing in the Council's assessment which suggests any residential properties would be affected, and conditions suggested by the appellant would ensure compliance with the necessary standards. Overall, the advertisements would be seen in a commercial setting, adjacent a busy main road in London, where such advertisements are now commonplace. This would correlate with the thrust of the advice set out in the Framework and the PPG, and by extension, the policies contained in the development plan.

CONCLUSIONS AND CONDITIONS

22. Based on the foregoing, it is considered that the appeal scheme is acceptable in the interests of amenity and public safety, subject to conditions.
23. As such, Clear Channel respectfully request that the appeal be allowed, and express consent granted as applied for.

24. Should the Inspector be minded to allow the appeal, Clear Channel advance the following conditions in addition to those imposed as standard by Schedule 2 of the Regulations:

- 1) The intensity of the luminance of the advertisement hereby approved shall be no greater than 3000 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm between sunset and sunrise. The advertisement shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
- 2) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).
- 3) Advertisements shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
- 4) The advertisement shall be switched off between the hours of 23.00 and 05.00.

APPENDIX 1



Source: Google Street View, November 2012