

DELEGATED ADVERTISEMENT DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Planning, Environment and Community Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address LAND FRONTING 142 HIGH STREET UXBRIDGE

Development: Installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).

LBH Ref Nos: **76747/ADV/2021/43**

Drawing Nos: Anit-Social Management Plan
 BT Street Hub Product Statement
 Conformity Certificate
 Professional Lighting Guide
 BT Street Hub 2021 Renders.
 001, Revs A
 002, Revs A
 Planning Statement and Design Access.
 003, Revs A

Date Plans Received: 10/09/2021 **Date(s) of Amendment(s):**

Date Application Valid: 10/09/2021

1. CONSIDERATIONS

1.1 Site and Locality

The application site is on the public footpath outside of 142 High Street (Barclays) within Uxbridge Town Centre. The site is within the Conservation Area of Old Uxbridge /Windsor Street and the surrounding locality is a mixed use area comprising of mainly three storey buildings finished in brick, which are mainly commercial at ground floor and residential at first floor. The pavement outside of Barclays currently contains a BT Kiosk which the proposal seeks to replace with a telecommunications structure.

1.2 Proposed Scheme

The application seeks Advertisement Consent for the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s). Planning permission for the structure has been applied for under application number 76747/APP/2021/3448.

1.3 Relevant Planning History

76747/APP/2021/3448 Land Fronting 142 High Street Uxbridge

Installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).

Decision Date:

Comment on Planning History

The sites planning history is set out in section 1.3 of this report. There are no comments to make on the site history.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

134 neighbouring properties were directly notified of the proposal on 25th of October 2021. The 21 day consultation period ran until 15th November 2021. No comments were received in response to consultation on the application, other than the consultee comments summarised below.

Consultee Comments

Access Officer

London Plan policy D5 has been referenced in assessing this application for a new BT street hub and 75" LCD advertisement screen. The unit should be installed such that it does not impede pedestrian movements: 1. The unit should be aligned with all existing street furniture and trees; 2. The footway width should not reduce below 2m
CONCLUSION: any grant of planning permission should secure the provisions set out above.

Officers comments:

1. The unit is somewhat inline with the existing bin
2. The footway width would be maintained at 3.79m

Highways Officer:

Although the proposed location is a replacement of an existing hub, the current location is very close to an extremely busy bus stop at the end of the route where a large number of people disembark.

Officers comments: It is noted that the above comments from highways and the access officer largely concern the structure itself, which has been assessed under the associated planning application, rather than the illuminated LED advertisement screens. These matters are discussed throughout Section 7

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- | | |
|---------|--------------------------|
| PT1.HE1 | (2012) Heritage |
| PT1.BE1 | (2012) Built Environment |

Part 2 Policies:

- | | |
|---------|---------------------------|
| DMHB 11 | Design of New Development |
| DMHB 4 | Conservation Areas |
| DMHB 2 | Listed Buildings |
| DMHB 1 | Heritage Assets |
| DMHB 12 | Streets and Public Realm |

DMHB 3	Locally Listed Buildings
DMHB 13A	Advertisements and Shop Signage
LPP HC1	(2021) Heritage conservation and growth
LPP D8	(2021) Public realm
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

5. **MAIN PLANNING ISSUES**

Pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007, the display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'.

Amenity:

The Advertisement Regulations advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass listed buildings. Therefore, the effect on a listed building is of a relevant factor to the consideration of the effect on 'amenity'.

Section 66 of the (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area, and this is a matter of considerable weight.

Paragraph 126 of the NPPF (2021) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Paragraph 199 of the NPPF (2021) states that 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).

Paragraph 202 of the National Planning Policy Framework (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

Policy HC1 of the London Plan (2021) stated that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy HE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes the designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that both enhances and contributes to the area in terms

of form, scale and materials, is appropriate to the identity and context of the townscape and would improve the quality of the public realm and respect local character.

Policy DMHB 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states the Council will expect development proposals to avoid harm to the historic environment. Policy DMHB 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all development to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires development to be well integrated with the surrounding area.

Policy DMHB 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

A) 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.

B) Shop signage will generally be limited to the strip above the shop window and below the upper floor, plus where appropriate one projecting sign. Proposals for further advertising additional to the shop name will be resisted.

C) Illumination to shopfronts must be sited and designed to avoid any visual intrusion from light pollution to adjoining or nearby residents. Flashing internal or external lighting and/or internally illuminated box lights will not be permitted.

When viewed against the backdrop of the shopfronts on the High Street, it is noted that shopfront illumination is extremely limited within the existing surrounding context, therefore it is considered that the digital LED screen within the proposed telecommunication structure would not visually integrate within the existing environment, and would appear overly prominent from wider views on the High Street and visually clutter the appearance of the High Street.

Further, when considered within the Old Uxbridge / Windsor Street Conservation Area, the inclusion of the digital illuminated advertisements would further emphasize its unacceptable prominence along the street scene and as part of one of the gateways in the conservation area. It is therefore considered that the proposed adverts would unduly impact the visual amenity of the area failing to integrate within the existing environment, and not be in accordance with Policy DMHB 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

The associated advertising on the communication hub by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the character of the area, street scene, visual amenities and the wider Old Uxbridge/Windsor Street Conservation Area. It is noted that whilst the BT Street Hub is not visible from a listed building, it forms an entrance into High Street which retains a number of early buildings, many of which are statutory listed, and is considered the wider setting of the site.

It is therefore considered that the advertisement would fail to preserve or enhance the significance, character or appearance of wider listed buildings and would therefore be detrimental to the significance of designated heritage assets which are located within the immediate vicinity of the site. It is also considered that the above identified harms would not be outweighed by the limited public benefits of free Wifi, calls and USB charging adjacent to the hub.

For the reasons discussed above it is recommended that this application for advertisement consent is refused.

Public Safety:

When assessing the impact of an advertising display on public safety, the National Planning Practice Guidance recognises that "All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety."

Policy DMHB 13A part v) of the of Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that signs and advertisements will have to demonstrate they do not have an adverse impact on public or highway safety.

The proposed adverts would be static internally illuminated with sequential changes in images. Whilst the proposed luminance level of 2,500 cd/m during the day and 600 cd/m between dusk and dawn is not desirable, it is considered that a refusal on this ground would be difficult to sustain in the event of an Appeal. In the event of an approval a condition would be secured to restrict the screens to displaying static images only that change no more frequently than every 10 seconds.

Given the aforementioned conditions, coupled with the scale and position of the advertisements, it is considered that the proposal would not unduly distract motorists from proper observation of the highway. The proposal therefore accords with Policy DMHB 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), in this respect.

Conclusion:

It is considered that the proposed adverts would adversely impact on the visual amenity of the area. The proposal therefore fails to comply with the policies listed in the refusal.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The associated advertising on the communication hub by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character

and appearance of the character of the area, street scene, visual amenities and the wider Old Uxbridge/Windsor Street Conservation Area. The advertisement would fail to preserve or enhance the significance, character or appearance of wider listed buildings and would therefore be detrimental to the significance of designated heritage assets which are located within the immediate vicinity of the site. The proposal is therefore contrary to Policies HE1 and BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 1, 2, 4, 11, 12 and 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy HC1 of The London Plan (2021); and the National Planning Policy Framework (2021)

INFORMATIVES

- 1 The decision to REFUSE Advertisement Consent has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 The decision to REFUSE Advertisement Consent has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMHB 1 Design of New Development

DMHB 4 Conservation Areas

DMHB 2 Listed Buildings

DMHB 1 Heritage Assets

DMHB 1 Streets and Public Realm

DMHB 3 Locally Listed Buildings

DMHB 13 Advertisements and Shop Signage

LPP HC (2021) Heritage conservation and growth

LPP D8 (2021) Public realm

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

Contact Officer: Emilie Bateman

Telephone No: 01895 250230