

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. Interim Director of Planning, Regeneration & Public Realm 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 Interim Director of Planning, Regeneration & Public Realm**Address** PAVEMENT OUTSIDE 55-57 HIGH STREET UXBRIDGE**Development:** Installation of an internally illuminated freestanding double-sided digital advertisement unit**LBH Ref Nos:** **77293/ADV/2022/34****Drawing Nos:** Application Document HIL0003CM titled A01915
Covering letter**Date Plans Received:** 25/05/2022**Date(s) of Amendment(s):****Date Application Valid:** 25/05/2022**1. CONSIDERATIONS****1.1 Site and Locality**

The application site comprises of a section of pavement outside 55-57 High Street, Uxbridge.

The site is situated within Uxbridge town centre, along a busy pedestrian area with a pedestrian crossing in proximity. It also falls in close proximity the Old Uxbridge/Windsor Street Conservation Area. Some listed buildings are noted, none of which are around the proposed siting although the sites location does lead to a gateway of heritage assets to the north and south.

1.2 Proposed Scheme

Advertisement consent is sought for an internally illuminated freestanding double-sided digital advertisement unit. This is described in the supporting information as a "smart city unit" which offers more than just an advert with air monitoring sensors, noise pollution sensors, footfall and traffic sensors, undefined wayfinding, network enhancements for 4G and 5G as well as free wifi.

1.3 Relevant Planning History

72448/APP/2016/4548 Pavement Outside 148 High Street Uxbridge

Installation of new public call box (Application for prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015)

Decision Date: 03-02-2017 Refused

72452/ADV/2022/29 Pavement Outside 58 High Street Uxbridge

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

Decision Date: 14-07-2022 Refused

72452/APP/2022/1626 Pavement Outside 58 High Street Uxbridge

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

Decision Date: 14-07-2022 Refused

72897/APP/2017/1928 Land Between 54 High Street And 151 To 153 High Street Uxb
Use of the site for a mobile kiosk.

Decision Date: 28-07-2017 Approved

73945/ADV/2018/39 Footpath Adjacent To Barclays Bank Belmont Road Uxbridge

Display of an internally illuminated digital LED screen to both side of the proposed free standing InLink

Decision Date: 23-08-2018 Refused

74355/ADV/2018/77 Fronting 157-158 High Street Uxbridge

Display of an internally illuminated digital LED screen to both side of the proposed free standing InLink

Decision Date: 31-01-2019 Refused

Comment on Planning History

Key to the assessment of this case has been any recent decisions made by the LB Hillingdon close to the site.

Of greatest relevance in this case is reference 73945/ADV/2018/39 which was for the "Display of an internally illuminated digital LED screen to both side of the proposed free standing InLink". This application was refused by LB Hillingdon and subsequently dismissed at appeal in August 2019. Given its incredibly close proximity and near identical streetscene and setting, this appeal decision should carry substantial weight.

On dismissing the appeal the Inspector noted the wide, urban nature of the street and raised no objection to the proposed LED screen in daylight hours. However, dismissed the appeal with a clear concern with regard to illumination. The Inspector stated:

"I find that during darkness it would be a strident addition to the street and an overly prominent feature, notwithstanding nearby commercial properties. The positioning of displays to both sides of the units, together with the illumination and changing nature of the advertisement, would result in an unacceptable and harmful prominence, in an area which lacks an overabundance of advertising".

In August 2017, under application 72448/APP/2016/4548 an appeal was also dismissed for PAVEMENT OUTSIDE

148 HIGH STREET which is nearby. On dismissing the appeal the Inspector noted:

"5. The appeal site sits at a point where a markedly more ordered streetscene in the pedestrianised part of High Street starts to converge with the more cluttered environment of the narrower pavement adjacent to the part of High Street open to vehicular traffic. Thus the siting of the call box in this location would begin to erode the distinction between these visually diverse areas. Moreover, in locating the proposed call box on the very periphery of the part of the pavement wherein most street furniture would be located, its siting would be harmfully disjointed and constitute a visually disruptive element in the context of the prevailing more ordered arrangement of street furniture. The incongruity of its siting would be exacerbated by its framing in approaches from the part of High Street open to vehicular traffic between a lamp-post, tree and slender directional sign, reducing the sense of spaciousness, and reading as a visually jarring element in contrast to these more coherent elements of the streetscene.

6. I note that the appellant considers that the proposed design would resemble a bus shelter, however, given the pedestrianised nature of the appeal site's immediate environs this aspect of its design would do little to soften the

harmful effects of its placement. Moreover, whilst I note the extent of glazing employed in the structure, due to its scale, and variance to the more ordered and elegant lamp-posts immediately inter-visible with it, it would appear as an incongruous element within the streetscene.

7. Consequently, taking these matters together, I consider that the siting and appearance of the proposed call box would cause considerable harm to the character and appearance of the streetscene".

Further, LB Hillingdon have also considered recent and relevant appeal decisions relating to similar advertisements which have sometimes been considered as stand alone advertisement consent applications, or as both full planning and advertisement consent.

These vary in terms of their size, purpose and form (bus shelters, communication hubs and smart city units) but raise relevant points and material considerations. Whilst each application has been assessed on its merits, the Inspector's decisions have been helpful in determining whether or not the advertisement (and/or full application) causes issues relating to highway safety and visual amenity, as well as relevant heritage considerations where there are such constraints.

Dismissed appeals of note, which have been considered include (but are not limited to):

Appeal A - Ref: APP/R5510/Z/18/3214921
Green Lane (Outside No. 31/33), Northwood HA6 2PX

Appeal B - Ref: APP/R5510/Z/18/3214925
Green Lane (Outside No. 74/76), Northwood HA6 2XT

Appeal C - Ref: APP/R5510/Z/18/3214330
Belmont Road (Outside Barclays Bank), Near junction with High Street,
Uxbridge UB8 1JX

Appeal D - Ref: APP/R5510/Z/18/3214334
High Street (Outside No. 91-93), Ruislip HA4 8JB

Appeal A Ref: APP/A5270/W/20/3264452
Outside The Oaks Shopping Centre, High Street, Acton W3 6RE

Appeal A Ref: APP/A5270/W/20/3264451
O/S 161 High Street, Acton W3 6RE

Appeal A Ref: APP/A5270/W/20/3264451
O/S 161 High Street, Acton W3 6RE

Appeal A Ref: APP/A5270/W/20/3264448
o/s Metro Bank, The Broadway, Ealing W5 2NP

Allowed appeals of note, which have been considered include (but are not limited to)

Appeal A Ref: APP/Z4310/W/18/3205104
Church Street (Outside No.1-5 Forever 21), Liverpool L1 1DA

Appeal Ref: APP/T5150/Z/18/3201678

OS Peakcocks, 47-51 High Street, London NW10 4NJ

Appeal APP/R5510/Z/16/3157043 Telephone Kiosk Outside 51 Green Lane, Northwood

Appeal Ref: APP/R5510/Z/19/3225667

Fronting 157-158 High Street, Uxbridge UB8 1JY

The last two applications are of direct relevance here as they are appeal decisions in the London Borough of Hillingdon.

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

14 neighbours were consulted on 15-6-22. with no comments received.

Consultee Comments:

Highways Officer:

There are no highways objections to this proposal.

Access Officer:

An assessment of this proposal for the siting of a digital advertisement unit has been carried out with reference to policy D5 of the London Plan and the Department for Transport guidance document "Inclusive Mobility". With the digital display in situ, a footway width in access of 2m wide would remain which is acceptable in this location. Conclusion: no accessibility objection is raised.

Town Centre Improvements Manager:

Thank you for giving us the opportunity to comment on this planning application. As this is a replacement for the current rotunda style advertising unit, we would not have any objection provided the location is exactly as where the original signage is situated.

Conservation Officer:

Advertisement fails to preserve or enhance the character and appearance of the adjacent conservation area. The public benefits are noted, but do not outweigh the less than substantial harm caused.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas
DMHB 3	Locally Listed Buildings
DMHB 13A	Advertisements and Shop Signage
LPP HC1	(2021) Heritage conservation and growth
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'. These are the key issues in the assessment of this case.

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 conservation area or the setting of a listed building is of a relevant factor to the consideration of the effect on 'amenity'.

As the site is located adjacent to the Old Uxbridge / Windsor Street Conservation Area, the Local Planning Authority have also had regard to both Section 66 of the (Listed Buildings and Conservation Areas) Act 1990 which 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, as well as 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. 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).

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.

Material to this decision is whether there is an existing advert on the pavement to be replaced. Whilst the plans state this is a "conversion" which indicates it would be a replacement, the application form is clear that the existing advertisement is not proposed "to be removed and replaced by the advertisement(s) in this proposal.

Regardless of either option, the advertisement would have an unacceptable impact on visual amenity, even if it resulted in the removal of the existing adverts on or around the site (unclear in the submission).

Whilst it is noted that advertisements are common in some town centres and the public is used to seeing a range of modern street furniture in commercial contexts, in this particular location it would be harmful. The LCD screens within the proposed structure would not visually integrate within the existing environment in a successful way, and would appear overly prominent from wider views and visually clutter the appearance of the streetscene.

The proposal would be situated in an area with existing street furniture excluding adverts, street trees, call boxes, street lamps and wayfinding signage. Illumination on shopfronts is somewhat common in the immediate vicinity. Furthermore, the proposal would not block any important views, due to its proposed location (potentially) in place of an existing advert and/or adjacent to other structures. Despite all this, the advertisement would be noticeable from some distance on both sides of the street and from the conservation area.

The structure would also incorporate a simple modern design and appropriate materials, but would not constitute an outstanding or innovative design in terms of paragraph 134 of the NPPF. Nevertheless, it would be a structure of considerable size, and given the mostly small-scale and relatively unobtrusive nature of the other items of street furniture present it would appear unduly large in its context, even if proposed to replace the existing structure.

Moreover, there are no other similarly-sized LCD displays in the immediate vicinity, and this, combined with the fact that the large-sized display of static images would change at regular intervals, would mean that the proposal would appear as a very dominant and incongruous feature in the street scene, especially at night. This was noted by the Inspector when considering a directly comparable advertisement across the road in 2019. As such, the proposal would integrate poorly in its context, and accordingly it would serve to harm the character and appearance of the area.

It is also important to make reference to the ALLOWED appeal FRONTING 157-158 HIGH STREET too. Due weight has also been given to this decision but it is materially different to the circumstances outside 55-57. In allowing the appeal the Inspector stated "Notwithstanding that the site lies just within the CA and the presence of the historic buildings beyond the pedestrianised section of the High Street, the proposed advertisement would be seen, from both directions along the High Street, within the backdrop of the surrounding modern commercial buildings and street furniture". In this case street furniture exists, but the backdrop is the conservation area and its setting, with a very different feel as you approach this part of the high street.

The advertisement by reason of its illumination, design, scale, and siting would result in an obtrusive and cluttered public realm, failing to preserve the character and appearance of the area, street scene, visual amenities and the adjacent Old Uxbridge / Windsor Street Conservation Area.

This harm would not be outweighed by the limited public benefits of the proposal. Importantly, with respect to public benefits, the evidence is lacking as to the likely scale and impact of the various benefits of the proposal, and therefore collectively can only be given limited weight. Moreover, the benefits that would be created would arise via a proposal that would be unacceptably harmful. For the reasons discussed above it is recommended that this advertisement consent application be refused. It is also relevant to note that the Councils Conservation Officer agreed with this assessment and confirmed: "Advertisement fails to preserve or enhance the character and appearance of the conservation area. The public benefits are noted, but do not outweigh the less than substantial harm caused".

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 2,000 cd/m during the day and 600 cd/m between dusk and dawn is harmful in visual terms, discussed above, it is considered that a refusal on this ground in relation to public safety would be difficult to sustain in the event of an Appeal.

If the advertisement were acceptable in visual amenity terms, conditions could be attached to mitigate any potential impact on public safety. It is therefore 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.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The large scale of the advertisement, in combination with the substantially-sized LCD screen and its prominent proposed location and luminance, would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the street scene and failing to preserve the setting of the Old Uxbridge/ Windsor Street Conservation Area. 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, 3, 4, 11, 12, 13A and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies D3, D8 and HC1 of The London Plan (2021); and the National Planning Policy Framework (2021).

INFORMATIVES

Contact Officer: Emilie Bateman

Telephone No: 01895 250230