

3 November 2022

**The Planning Inspectorate
Temple Quay House
The Square
Temple Quay
Bristol BS1 6PN**

**Our Ref: A01925
LPA Ref: 77303/ADV/2022/44**

Dear Sir/Madam,

**Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements)
(England) Regulations 2007**

**Proposal: The Installation of a Smart City Community Information
Panel (CIP) in the London Borough of Hillingdon**

Application Site: Os 80 Ruislip High Street HA4 7AA

This letter accompanies an appeal under Regulation 17 of the above Regulations against the decision of the London Borough of Hillingdon as Local Planning Authority (LPA) to refuse advertisement consent in respect of the above development.

The proposal is outlined in the application covering letter to install a Smart City Unit at Os 80 Ruislip High Street. The proposal provides an exciting opportunity to transform the Borough's roadside advertised estate with the latest in digital screen technology that will benefit those who live, work and visit Hillingdon. JCDecaux has pioneered the use of modern technologies and for greater efficiency and sustainable practices across the outdoor media industry. This principle is applied to the delivery of this project, with the aim of redefining the quality and functionality of the Borough's estate.

This appeal statement is against the decision issued by the Council on 15th September 2022, registered under LPA reference 77303/ADV/2022/44.

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Application Background

A number of applications for Advertisement Consent under Regulation 9 of the Advertisement Regulations were prepared as part of a phased program to upgrade the Council's existing advertised estate, pursuant to a Tender awarded to JCDecaux earlier this year. The contract awarded to JCDecaux is to manage and maintain the Council's roadside advertising estate for a minimum of ten years. This contract represents a renewal of the long-standing partnership between Hillingdon Council and JCDecaux, which began in 1998. The proposed aspiration for the roadside estate as presented and supported at Tender stage is contained within these applications, which demonstrate the Company's commitment and investment in improving the quality, form and function of street furniture across Hillingdon. JCDecaux is at the leading edge of development in the advertising medium, with extensive experience of creating some of the most innovative and striking advertised street furniture in the roadside, rail, retail and airport environments. The Company's objective is simple; to develop the best locations and set the highest standards in sustainability, build quality, design and innovation.

The proposal set out sought the removal of selected existing advertised structures and their replacement with a modern digital unit and consistent design across the Borough. Full details of the proposal can be found in the attached documentation submitted at the application stage.

Before any applications were submitted, the pre-application service was undertaken to gain an initial assessment of the proposals. Feedback was received from Town Centre Improvements, Highways and Conservation. JCDecaux were allowed the opportunity to respond and informed the quantity of proposed sites, as well as self-imposed conditions, submitted at the application stage.

The pre-application document is attached in the appeal documentation. It is clear that there were locations which would not be supported, therefore were not continued to application stage. The remaining units were deemed appropriate or could be supported if appropriate conditions were included to alleviate minor concerns within the proposal. These were included in the respective covering letters at application stage.

The total number of advertisement consent applications submitted to the LPA were 18, which included 12 Smart City Units and 6 Digital Bus Shelter upgrades. These are all conversion of existing street furniture which have been in place for many years, some for over two decades. All the necessary steps were taken, and in continued dialogue with the Council representatives, to ensure the proposals were appropriate and in line with local standard and guidelines.

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The Screens

The use of LCD screens represents a more sustainable form of roadside technology that is greener and cleaner than traditional fluorescent and incandescent lighting alternatives. The SmartScreen product incorporates Power Factor Correction (PFC) technology to maximize the efficiency of all power connections. The units are Restriction of Hazardous Substances (RoHS) approved and completely devoid of hazardous materials making it easier to recycle at end of life in accordance with the Waste Electrical and Electronic Equipment recycling (WEEE) directive (Europe) on the recycling of electrical and electronic waste. The LCD screens used in the unit is the result of more than 15 years of research to source the best available product that meets exacting environmental standards. Each unit incorporates two LCD screens which provide an advertising area of just under 2m². This size of advertisement has long been considered an appropriate scale for the pedestrian environment and is the size of the Council's existing advertised estate and common within urban areas as freestanding roadside units or affixed to street furniture.

The units will only show static images that automatically changed every ten seconds in sequence and consistent with the standard for other similar displays. The ability for the technology to be responsive is also a benefit in emergency situations whereby such public messaging can be displayed all the screens; within a discrete area; or across the entire Borough in the event of security incidents. This function is managed through a strict protocol and agreement with the Council and emergency services.

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Reason for Refusal

The proposal under this appeal is for a Smart City CIP at Os 80 Ruislip High Street. The application was refused by delegated decision and the reasons for refusal are extracted below.

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, failing to preserve the Ruislip Village Conservation Area and setting of adjacent locally listed buildings. 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).

Policy Considerations

National Guidance

The Government's approach to development management is set out in the National Planning Policy Framework (NPPF) which issued the updated version in July 2021. The guidance must be considered in preparing local plan policy and is a material consideration in planning decisions. The NPPF places the principle of sustainable development at the heart of the planning system and identifies three pillars that touch on the way the planning system is expected to achieve sustainable development; which are economic, social and environmental. The NPPF also applies a presumption in favour of development that can assist in meeting the sustainability aims.

Part 12 covers the importance of design in managing and improving spaces and the quality of place. The design of all built form, including street furniture, must be sustainable and functional but also attractive and include innovation in the design evolution. Paragraph 131 states that;

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Paragraph 131 provides the only statement that specifically relates to advertising proposals and repeats in substance the principle considerations that apply and states that:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”

On design, the Framework states that;

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Core planning principles in the NPPF which are relevant to the proposal include, amongst other criteria, the advice that the planning process should;

- “not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;”

Under these and other core principles the Framework suggests that decisions should follow the following approach;

- “Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
 - and are visually attractive as a result of good architecture and appropriate landscaping.”

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 sets out the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings

“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.”

It further advises that;

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“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.”

The 2007 Advertisement Regulations exist pursuant to s220 of the 1990 Act. The 2007 Regulations create a separate self-contained code set apart from mainstream planning controls. Regulation 3 states that;

- ‘1. A local planning authority shall exercise its powers under these Regulations in the interest of amenity and public safety, taking into account –
 - a. The provisions of the development plan, so far as they are material;
 - b. any other relevant factors
- 2. Without prejudice to the generality of paragraph (1) (b)-
 - a. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - b. Factors relevant to public safety include-
 - i. the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii. 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’

The impact on visual amenity is assessed in light of the character of an area, which includes the nature and type of surrounding land uses and the existing built form within the particular locality where the proposed advertisement is to be displayed. It is the impact upon local character and any particular feature of interest that the proposed advertisement is appraised.

As to public safety the primary consideration is the effect of an advertisement display on drivers and pedestrians seeing the advertisement in the particular location. It is accepted that advertising is intended to be seen as it is a visible media, but it doesn’t automatically follow that roadside advertisements are distracting. Advertising is often part of the fabric of town and City Centres and alongside busy routes where drivers and pedestrians have a high expectation of seeing commercial images and messaging. The retail centres affected by this proposal are such examples where the vibrancy and activity of the retail core is part of its character and where the proposed units are best located.

Local Guidance

Core Strategy (CS) November 2012

Policy BE1, amongst other aims, seeks to ensure high quality development that create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services;

Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape

Create safe and secure environments that reduce crime and fear of crime, anti-social behavior

Development Management Policies Document (DPD) January 2020

Policy DMHB 12 states that Development should be well integrated with the surrounding area and accessible.

improve legibility and promote routes and wayfinding between the development and local amenities;

ensure public realm design takes account of the established townscape character and quality of the surrounding area;

deliver proposals which incorporate the principles of inclusive design.

Policy DMT1 and DMT2 states that the Council will ensure that the safety of all road users is taken into account when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

The Regulations is clear on the scope of the considerations that are material to applications for advertisement consent, therefore the Council's policies cannot alone be decisive. The policies in the DMD can be material where they relate to the

factors identified in Regulation 3 of the 2007 Regulations. Within the DMD document the only Policy specific to advertising development is found in DMHB 13A: Advertisements and Shop Signage which state that:

- they complement the scale, form, materials and architectural composition of the individual buildings of which they form a part
- they complement the visual amenity and character of the site and surrounding area
- they enhance historic assets and their setting
- they do not have an adverse impact on public or highway safety
- they do not lead to visual clutter

These provisions restate the terms of the Regulations and National guidance, which the applicant considers are not offended by this current proposal. The aspirations of Policy DMHB12, although couched in abstract rather than granular terms, is relevant to this proposal in the support for development that respects local character and introduces good quality design that is inclusive, accessible and attractive. It is pertinent to the Proposal in the aim of setting a high standard of design, that respects local character, local building scale and supports the vibrancy and attractiveness of the town centres. The aim of providing visual interest through development and creating engaging and safe spaces is also applicable to the Proposal.

The Proposal represents an attractive and accessible street furniture, which was created with the clear intent of raising the standard of this type of advertising medium. The investment in new technology and design quality is supported by policy and assists it retaining the relevance and attractiveness of our town centres. The materials used in the manufacture and construction of the unit meets the high demands of sustainability, which is a core objective of the applicant. The exacting standards expressed in the core strategy policies in terms of build quality, design and sensitivity to local context, are met in this Proposal.

The Proposal is considered to be appropriate development that is consistent with both national and local policy on advertisement control, the development of reliable digital infrastructure and the creation of safer streets.

Grounds of Appeal

The appellant considers that there are reasonable grounds to appeal the LPA's decision in this case, which are as follows:

Visual Amenity

Visual amenity is assessed in light of the character of an area, which includes the scale, nature and type of surrounding land uses and the existing built form within the particular locality where the proposed advertisement is to be displayed. It is the impact upon local character and any particular feature of interest that the proposed advertisement is appraised. Public safety interests are primarily concerned with the effect an advertisement display would have on drivers and pedestrians seeing the advertisement within the context of its surroundings.

The unit is clearly a modern form of development, but contemporary developments and buildings are part of the character of the area. Being modern and not looking like anything else within the locality is not in and of itself a justification for refusing consent. The structure features the latest digital technology that does contribute to the area and the design is intentionally simple in concept to appear subservient in the street and complementary to other street furniture. The unit has a narrow profile and occupies a small area of footpath. The scale of the surrounding buildings will ensure the unit does not dominate views nor harm the area's character. Therefore, the policy is not contrary to the aims of policy HE1 and BE1 of the Local Plan Part 1, and DMHB 1,2,3,4,11,12,13A and 21 of the Local Plan, Part 2, in addition to policies found in the London Plan, D3, D8 and HC1, and the NPPF.

Public Realm and Design

The proposed unit would be sited in an acceptable position on a wide footpath being offset from the road and leaving an unobstructed footpath width in line with the aims of Transport for London Streetscape Guidance. The proposed unit location, contrary to the Council's view, would respect the character of the area and not obstruct pedestrian desire lines.

That the aim of transforming our towns and Cities is an important step in supporting our High Streets. The installation of better quality and well-designed street furniture supports the Council's aim of creating attractive places and a high-quality public realm.

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Hillingdon is a vibrant urban Borough and the streets are busy with pedestrians and vehicular traffic throughout the day and nighttime. The proposal sites are in areas where the nature of the surroundings range from active commercial frontages, such as retail premises, to large scale offices and apartment buildings of various ages and architecture, all of which contribute to local character. Policy guidance requires proposals to have regard to the general characteristics of an area in advertising proposals and is generally supportive where they are located close to retail and commercial areas where the presence of advertising material would not appear unexpected or out of place. Advertising within commercial locations can make a positive contribution to the vitality of an area and in creating a sense of place. In each case the application sites have been chosen in recognition of their surroundings to ensure the addition of a modern advertised item of furniture could be accommodated.

The proposed unit is unquestionably a modern item of furniture, yet it has been designed to be simple and understated so as not to overwhelm the space or appear intrusive in the street. The choice of a black powder coated finish further subsumes the structure within the milieu of the street, to have a negligible impact upon character or appearance. All of the similar units will be identical in form and display thus recreating a single style and recognisable aesthetic across the Council's roadside estate.

It is recognised that Hillingdon is an important historic Borough with many striking individual buildings and cityscapes where development needs to be carefully considered, thoughtful and respectful of the local heritage. Respect for heritage does not however prohibit the development of modern forms of development, provided it sets the highest standards of design. The application sites have been confined to existing street furniture within roadside environments along the busiest of Borough Streets. The proposed locations are sited away from high value heritage assets to areas where the immediate local context is not highly sensitive and where the additional of a modern structure would not harm important views or the setting of heritage assets.

Advertising and commercial activity can be part of an areas character and although not prohibited, needs to be sympathetically positioned to ensure the size and nature of the display is compatible with its surroundings. The main street frontages close to each of the sites, regardless of their age, are active and modern looking shops, set within the context of busy thoroughfares.

The proposals have been assessment in terms of their impact on pedestrian movement and safety and altered in light of Officer feedback. The locations for the

unit are where the pavement widths are generous and where the addition of the furniture is unlikely to result in present an obstruction or hinder free movement. The proposed development is consistent with both national and local policies regarding advertisement control, including the Hillingdon Local Plan. The investment in modern, cleaner and greener technology is a progressive approach that creates a positive impression of the Borough and embraces sustainable development through exciting and new media formats.

Conservation Area

The provision of well-designed and functional modern furniture can be successfully integrated within busy urban environments without harming local character or the quality of the area. The context of the appeal site is a typical commercial Centre with many retail properties lining the streets and providing the scale of the surroundings. The appeal site, while within a Conservation Area would not detract from the surrounding area due to its position and being an existing element of street furniture, adjacent a building with a modern, glass finish. The surrounding buildings styles and designs are typical of a commercial high street in which, through the upgrade of an existing unit, for all practical purposes the development would not have any impact upon their appearance or views.

Sustainability Aims

The promotion of economic growth whilst respecting people and the environment has long been the Company's aim. Sustainable development and energy efficiency drive the development of innovative new services that are ecological, aesthetically pleasing and highly functional. JCDecaux's Research and Development team has undertaken studies on the adaptation of existing systems for energy reduction and the use of green energy. Significant progress has been made in the selection of energy efficient electronic components and adaptation of software layers, which are now imbedded in the unit design. In 2020 the Company joined RE100, a global leadership initiative for companies committed to 100% renewable electricity.

The Company's objective to source 100% of its electricity needs from renewable energy was achieved this year and we are committed to reducing carbon emissions across the entire product development and manufacturing process. Energy efficiencies are maximized in this display unit, which allows for automatic adjustment of the screen resolution, according to the location and the ambient light levels, to reduce the amount of energy required to operate the screen. Other sustainable measures applied to the unit design include;

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- Use of a powder coating without any volatile organic compounds (VOC).
- Electrical and electronic equipment recycled according to WEEE regulations.
- Unit manufactured from sustainable and recyclable materials.

Energy efficiency measures in the design and use of furniture, and the offset of carbon emissions are key components of the Company's strategy. Furthermore, as well as being powered by renewable energy, the digital advertising estate in Hillingdon will be maintained by JCDecaux Technicians driving electric vehicles, demonstrating the Company's focus on limiting carbon output across all elements of this partnership.

Conditions

During the pre-application stage, conditions were proposed to alleviate the minor concerns raised by the Council. A mechanism exists within the planning system to provide a level of control over the manner and use of roadside advertising in the interest of amenity and safety, as expressed in the Regulations. All consents for express advertisement consent are covered by the standard conditions set out in Schedule 2 to the Regulations.

Additional conditions were suggested which seek to limit the manner of use of the display screens in the interests of public safety. The conditions include a maximum nighttime luminance level of 600Cdm², to accord with the ILP recommendations. Further conditions include turning the displays off during the hours of 01:00-06:00 and ensuring all display will show static images only. Digital technology is by its nature a more sustainable and versatile method of display images and messages in real time and in cases of emergency. JCDecaux fully accepts that this functionality could and should be used to create safer streets and places.

Summary

The proposed development will see the overall improvement in the quality and design of the advertising structures on the Council's estate and provide better functional furniture. The importance of improving the design and purpose of essential items of street furniture is recognised as helping to transform the quality of our public spaces for the benefit of people living, investing, visiting and working in Hillingdon. The proposed unit is a high-quality modern design embodies simple clean lines and understated form to respect the more sensitive locations within the Borough. Overall, it is considered that the proposal will make a positive contribute to Hillingdon by introducing visually attractive and functional smart furniture.

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The grounds of appeal above are to be read in conjunction with the application submission relating to this appeal site proposal. The Appellant contends that the replacement of the existing street furniture with a new digital unit would not be detrimental to the visual amenity of the locality or harmful to the character and appearance of the street. The Inspector is requested to uphold this appeal and to grant advertisement consent as applied for.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'T. Johnston', written over a light blue horizontal line.

Thomas Johnston

Town Planner

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