

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 80 HIGH STREET RUISLIP

Development: Installation of an internally illuminated freestanding double-sided digital advertisement unit

LBH Ref Nos: **77303/ADV/2022/44**

Drawing Nos: Application Document HIL0031MU titled A01925
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 relates to an area of pavement outside 80 High Street in Ruislip. The site forms part of the Ruislip Village Conservation Area. There are a number of locally listed buildings close to the site.

There is an existing, double sided, non-illuminated advertisement currently on site.

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

76785/ADV/2021/53 Pavement Outside Of 90 High Street Ruislip

Installation of 1 x open access Communication Hub and advertisement consent, as illustrated in the attached documentation.

Decision Date: 17-02-2022 Refused

77313/ADV/2022/54 Pavement Outside 100-102 High Street Ruislip

Installation of an internally illuminated double-sided digital advertisement unit

Decision Date: 15-09-2022 Refused

Comment on Planning History

Key to the assessment of this case has been any recent decisions or current applications made or under consideration close to the site. Of direct relevance is:

PAVEMENT OUTSIDE OF 90 HIGH STREET RUISLIP HA4 8LS - Installation of 1 x open access Communication Hub and advertisement consent, as illustrated in the attached documentation - LPA ref. 76785/ADV/2021/53 - REFUSED 10-12-21.

PAVEMENT OUTSIDE 100-102 HIGH STREET RUISLIP HA4 8LS - Installation of an

internally illuminated double-sided digital advertisement unit - LPA ref. 77313/ADV/2022/54 - UNDER CONSIDERATION.

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

18 neighbouring residents were consulted on the application, no local response was received. The Ruislip Residents Association (RRA) were also consulted.

The Ruislip Residents Association (RRA) were also consulted and have objected. The RRA have Association (RRA) have commented on this application alongside 4 other applications for similar advertisement consents along Ruislip High Street. The letter raises the following key concerns, summarised:

- None of the plans submitted include an existing street scene. So, the RRA have visited all the sites and note that they all contain existing non illuminated double-sided digital advertising units. The unit outside no 100 - 102 is an existing bus stop and the others have units that measure approximately 1290 mm wide x 2290 mm high.
- All the locations are situated in the Ruislip Village Conservation Area (RVCA) extended on 14/01/09. There has been no change in policy or guidance with regard to illuminated advertising and signage in conservation areas. Therefore, all proposals for illuminated signs should be refused.
- The RRA have checked the LBH planning website and I cannot see any planning applications approved for the existing double-sided digital advertising units.
- It should also be noted that no 63 High Street is a locally listed building. A plan for a BT cabinet Ref:67603/APP/2011/353 1200mm x 450mm x 1600 mm high was refused in 2011.
- The units proposed in these latest proposals are to be 1349mm wide and 3200mm high, considerably larger than that in application Ref:67603/APP/2011/353 and the existing units that are 1290 mm wide x 2290 mm high.
- There are already too many comms hubs and illuminated adverts every few metres along the High Street.

For these reasons the RRA do not consider it acceptable to approve any of the proposals under consideration:

1. Conservation Area - there has been no change in policy or guidance with regard to illuminated advertising and signage in conservation areas. Given that the entire length of Ruislip High Street is within the Ruislip Village Conservation Area, all proposals for illuminated signs should be refused.

2. The proposals are not in accordance DMHB 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

- more clutter will be harmful impact to the visual amenities of the surrounding area
- harmful impact upon the architectural composition of neighbouring buildings and the visual amenities of the surrounding area by reason of location and size.
- detrimental to the setting of the locally listed building.

A ward Councillor commented on the application stating:

"I concur with the RRA on this. These seem to be at odds with our Conservation Area policy and I'm surprised the absence of the existing street scene has managed to pass our validation process".

The Metropolitan Police were consulted but did not respond. Other consultees included the Town Centre Improvement Team at LB Hillingdon, Highways, Access and Conservation. Comments have been received and are summarised as follows:

Town Centre Improvements Team

Thank you for giving us the opportunity to comment on this planning application. We have reviewed the planning documents and can advise that as the application is to upgrade an existing advertising unit we have no objections in this instance.

Highways

There are no highway objections to this proposal subject to conditions.

Access Officer

No accessibility objection is raised.

Conservation Officer

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.

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 within the Ruislip Village 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 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 the presence of an existing advert on the pavement. 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.

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 there is very little illuminated signage present on the footway itself. Further, when viewed against the backdrop of the shopfronts on the High Street, it is noted that signage illumination is extremely limited, even with respect to external illumination. The established context does not create a heavily illuminated high street where the unit would sit comfortably. The unit would in fact stand out and detract from the muted and sympathetic lighting nearby. Therefore it is considered that the digital LED 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 High Street. The sweeping corner makes this particularly sensitive.

The proposal would also be situated in an area with relatively limited street furniture other than lampposts and crossing safety structures. Although the proposal would not block any important views, due to its proposed location (potentially) in place of an existing advert, it would be noticeable from some distance on both sides of the street. It would 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. As such, the proposal would integrate poorly in its context, and accordingly it would serve to harm the character and appearance of the area.

The advertisement by reason of its illumination, design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the area, street scene, visual amenities and the wider Ruislip Village Conservation Area. It is also noted that there are a number of locally listed buildings sited close by. The setting of these heritage assets would also be affected, harming their significance.

Overall the advertisement would fail to preserve or enhance the character of the conservation area or the setting of locally listed buildings. 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 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, 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).

INFORMATIVES

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