

DELEGATED 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 44 JOEL STREET EASTCOTE

Development: Installation of 1 no. internally illuminated free standing multi-functional Communication Hub including advertisement display

LBH Ref Nos: **77308/APP/2022/1705**

Drawing Nos: Application Document Site C titled A01913
Covering Letter

Date Plans received : 26/05/2022

Date(s) of Amendment(s):

Date Application Valid: 26/05/2022

1. SUMMARY

The application site is on the land fronting number 44 Joel Street which is designated within Northwood Hills town centre.

Number 44 Joel Street is a mixed use building that is occupied by Northwood Hills supermarket on the ground floor and residential accommodation on the upper two floors. The surrounding locality is in mixed use mainly comprising commercial units at ground floor level.

The pavement outside of number 44 Joel Street currently has a mix of benches, bins, lampposts and a parking meter. The application seeks planning permission and an associated advertisement consent for the installation of a free-standing installation of a multi-functional Communication Hub including advertisement display on a pavement area outside of number 44 Joel Street.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The large scale of the communication hub, in combination with the substantially-sized LCD screen, by reason of its prominent proposed location, design, luminance and siting, would result in an obtrusive and incongruous addition which would clutter the public realm, detrimental to the character and appearance of the street scene and general locality. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 11, 12, 13A and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies D3 and D8 of The London Plan (2021); and the National Planning Policy Framework (2021).

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the land fronting number 44 Joel Street which is designated within Northwood Hills town centre. Number 44 Joel Street is a mixed use building that is

occupied by Northwood Hills supermarket on the ground floor and residential accommodation on the upper two floors. The surrounding locality is in mixed use mainly comprising commercial units at ground floor level. The pavement outside of number 44 Joel Street currently has a mix of benches, bins, lampposts and a parking meter.

3.2 Proposed Scheme

The application seeks planning permission and advertisement consent for the installation of a free-standing installation of a multi-functional Communication Hub including advertisement display on a pavement area outside of number 44 Joel Street.

A separate advertisement consent application has been submitted. This report considers both applications.

For the full planning application all planning matters are considered.

For the advertisement consent an assessment is carried out on (i) visual amenity and thus, the character and appearance of the area; and (ii) public safety

3.3 Relevant Planning History

63987/ADV/2021/40 Land Fronting 23-25 Joel Street Northwood

Installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75" LCD advert screens.

Decision: 13-01-2022 Approved

63987/APP/2021/3444 Land Fronting 23-25 Joel Street Northwood

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: 13-01-2022 Approved

74359/ADV/2018/81 Fronting 21 The Broadway Joel Street Northwood

Two LED Display Screens on either side of proposed electronic communications apparatus (InLink) (Advertisement Consent)

Decision: 31-01-2019 Refused

74359/APP/2018/4132 Fronting 21 The Broadway Joel Street Northwood

Installation of electronic communications apparatus (InLink) (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)

Decision: 31-01-2019 Refused

77308/ADV/2022/50 Pavement Outside 44 Joel Street Eastcote

Installation of 1 no. internally illuminated multi-functional Communication Hub including advertisement display

Decision: 15-09-2022 Refused

Comment on Planning History

The sites planning history is set out in section 3.3 of this report. Key to the assessment of this case has been any recent decisions made by the LB Hillingdon close to the site. The recent approval at LAND FRONTING 23-25 JOEL STREET is noted, and relevant, given its close proximity to the site. However, there are material differences in the siting, location and position.

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.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

Neighbouring properties, the Northwood Hills Residents' Association, Highways, Town Centre Improvement team and the Access Officer were consulted on the application.

One objection was received to the advertisement consent which stated:

"Please don't allow this to happen. I'm not against the structure being put up per se, but if it's allowed to be put up it will be vandalised within a week. Then, whoever is responsible for repairing it, won't. It will then sit there in a state of disrepair, an eyesore, until it is, unlikely, finally repaired or taken down. By allowing this to go ahead you'd be just asking for trouble so let's save everyone's time and energy and just not let it be put up in the first place".

Officer note: These comments are noted however, permission and/or consent could not be refused on this basis. Were the development otherwise acceptable, standard advertisement consent conditions could have been attached which would have helped maintain the advertisement to a degree, as far as possible under the remit of planning.

There were three representations received from consultees by the end of the consultation period::

Highways:

There are no highway objections to this proposal subject to the subject to illumination conditions if approved

Access Officer:

An assessment of this proposal for the siting of a freestanding 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 intended advertisement display in situ and in line with the existing street furniture along this stretch of footway, a pedestrian walkway width in access of 2m wide would remain which is acceptable in this location. Conclusion: no accessibility objection is raised

Town Centre improvement team:

Thank you for giving us the opportunity to comment on this application

We note that this application is for advertising consent associated with planning application 77312/APP/2022/1721

Feedback on the planning application is that we would be opposed to this new application on the grounds that it would:

- Obscure the parking payment kiosk;
- Add unnecessary street furniture in an area with seating for pedestrians to enjoy, and
- Compromise the street trading, restricting the free flow of all pedestrians including families with pushchairs and wheelchair users

We would oppose the associated advertising application for the same reasons.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

NPPF10	NPPF 2021 - Supporting high quality communications
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP SI6	(2021) Digital connectivity infrastructure
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 13A	Advertisements and Shop Signage
DMHB 15	Planning for Safer Places
DMHB 21	Telecommunications
DMT 2	Highways Impacts

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development will be required to comprise good design and create inclusive environments whilst improving safety and security.

Given the nature of the proposal, there would be no impact on light, outlook, enclosure or privacy resulting from the development. The commercial setting of the application site, within the public realm and in a town centre location would ensure this is the case. It is considered that the proposal would not cause harm to the amenity of neighbouring occupiers, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

This section of the report considers the streetscene and character impact of the development, but also considers amenity pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007. Importantly the display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety' (public safety is discussed elsewhere).

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 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.

Having regard to the above, it is considered that the proposed telecommunication structure would be unacceptable.

The application form states that an existing advertisement is proposed "to be removed and replaced by the advertisement(s) in this proposal. There is no existing advertisement on site and as such this has been afforded no weight in the assessment.

Whilst it is noted that advertisements are common in 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 in the existing streetscene, the advertisement would be appear overly prominent, uncharacteristic and somewhat alien. The only street furniture which exists is low level, including bins, cycle stores, benches and a non-illuminated A-board displays outside shops.

Signage of this nature, illuminated or otherwise, is extremely limited in this area. The established context does not create a heavily illuminated streetscene 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 would not 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 along Joel Street.

As noted, the proposal would be situated in an area with relatively limited street furniture . 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 approval at no.23-25 is noted, but does not alter this assessment. Notably, this application also sought to REMOVE a phone box from the pavement outside of No.23-25 Joel Street which resulted in less clutter on the footway. This weighed heavily in the balance and was secured by condition.

Overall the advertisement and structure would be harmful and unacceptable in terms of visual amenity. This does not result in harm to the setting of the adjacent conservation area or locally listed buildings, but is nonetheless unacceptable in visual terms. This harm to visual amenity 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.

Therefore it is recommended that advertisement consent and full planning permission is refused.

7.3 Traffic Impact/Pedestrian 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.

DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks safe and secure access for pedestrians, cyclists and vehicles.

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.

The objection from the Town Centre Improvements Team is noted however, in terms of highway safety, no concerns are raised. It is accepted that the advertisement would be located on a busy pavement however, the advertisement would not exacerbate the pavement pedestrian congestion to such a degree as to warrant a refusal or present a harmful risks to the safety of users of both the pavement and the carriageway.

It is therefore considered that the proposal, on balance, would not harm highway safety or impede the flow of passing pedestrians, in compliance with Policy DMHB13A and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.4 Carparking & Layout

N/A

7.5 Urban Design, Access and Security Considerations

N/A

7.6 Other Issues

N/A

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2021)
National Planning Policy Framework (2021)

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