

**LOCATION:** 2A Rundell Crescent / 64-66 Vivian Avenue, London, NW4 3XH  
**REFERENCE:** H/03561/12  
**WARD(S):** West Hendon  
**APPLICANT:** Sainsbury's Supermarkets Limited  
**PROPOSAL:** Installation of 3no. internally-illuminated fascia signs, 1no. internally-illuminated projecting sign and 1no. non-illuminated poster panel sign.

**Received:** 19 September 2012

**Accepted:** 19 September 2012

**Expiry:** 14 November 2012

**Final Revisions:**

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: P-3172-100, P-3172-212 A, P-3172-211 B, P-3172-210 B, P-3172-101, P-3172-111 A, P-3172-201, P-3172-215.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 5 The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No.5, Zone 3.  
Reason:  
In the interest of highway safety and amenity.
- 6 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or hinder the operation of any device used for the purpose of security or surveillance.  
Reason:  
To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason:

To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 8 The period of consent shall be a period of five years commencing with the date of this decision.

Reason:

To comply with Part 3, Section 14, Para (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, D2.  
Supplementary Design Guidance Note 1: Advertising and Signs.

Core Strategy (Adopted) 2012: CS NPPF, CS5.

Development Management Policies (Adopted) 2012: DM01.

- ii) The proposal is acceptable for the following reason(s): -

The proposed signage is considered to be acceptable and appropriate for this site. It is considered to relate well with the building on which the signage will be placed and is not considered to result in visual clutter or harm the visual amenities of the locality. This proposal is in accordance with the aforementioned policies.

**1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance / Statements:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to

do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Paragraph 67 states that “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.

#### The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, D2, M11, M12.

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

### Core Strategy (Adopted) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

### Relevant Core Strategy Policies (Adopted) 2012: CS NPPF, CS9.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

### Relevant Development Management Policies (Adopted) 2012: DM01, DM17.

### Relevant Planning History:

None

### Consultations and Views Expressed:

Neighbours Consulted: 0                      Replies: 7  
Neighbours Wishing To Speak 0

The comments made can be summarised as follows:

- Objections relate to the proposed use of the unit for a Sainsburys store.  
Objections relate to lack of parking and width of the service road in terms of ability of construction vehicles to reach the site.

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site relates to a ground floor retail unit fronting Vivian Avenue.

### Relevant applications

Two further applications have been submitted relating to the use of the unit as a Sainsbury's store. All 3 applications have been referred for decision at sub committee.

### Dimensions:

This application seeks advertisement consent for the installation of 1 illuminated double sided sign post mounted, 1 x internally illuminated amenity projecting sign, 3 x internally illuminated fascia signs and 1 non illuminated poster panel sign.

Poster sign to be located behind the shopfront fronting Rundell Crescent.

Projecting sign to be located 3.2m above ground level.

### Planning Considerations:

Government Circular 03/07 states that the local planning authority's power to control advertisements under the {Town and Country Planning (Control of Advertisements)} Regulations may be used only in the interests of "amenity" and "public safety". This is reinforced by paragraph 67 of the NPPF which advocates that advertisements should be subject to control only in the interests of amenity and public safety.

### Highway Safety

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. Local Planning Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some

advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in DOE Circular 5/92 (WO 14/92).

When considering public safety factors, Local Planning Authorities will usually consult other relevant organisations that have an interest in the display of the advertisement. For example, they will consult the highway authority about an advertisement which is to be displayed alongside a trunk road or within view from a motorway, or where they consider that the safety of people using the highway may be affected.

The Council's Traffic and Development unit have been consulted and do not object to the proposals.

It is considered that the signs would not harm highway or pedestrian safety and that the application is therefore acceptable on this ground.

### Visual Amenity

When assessing an advertisement's impact on "amenity", Local Planning Authorities should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

In view of the characteristics of the locality, it is considered that the signage is not harmful to visual amenity. The proposals are considered to be of an appropriate size and scale in relation to the building on which they are set and would not cause harm to the residential amenity of neighbouring occupiers or the street scene.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Not applicable

#### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

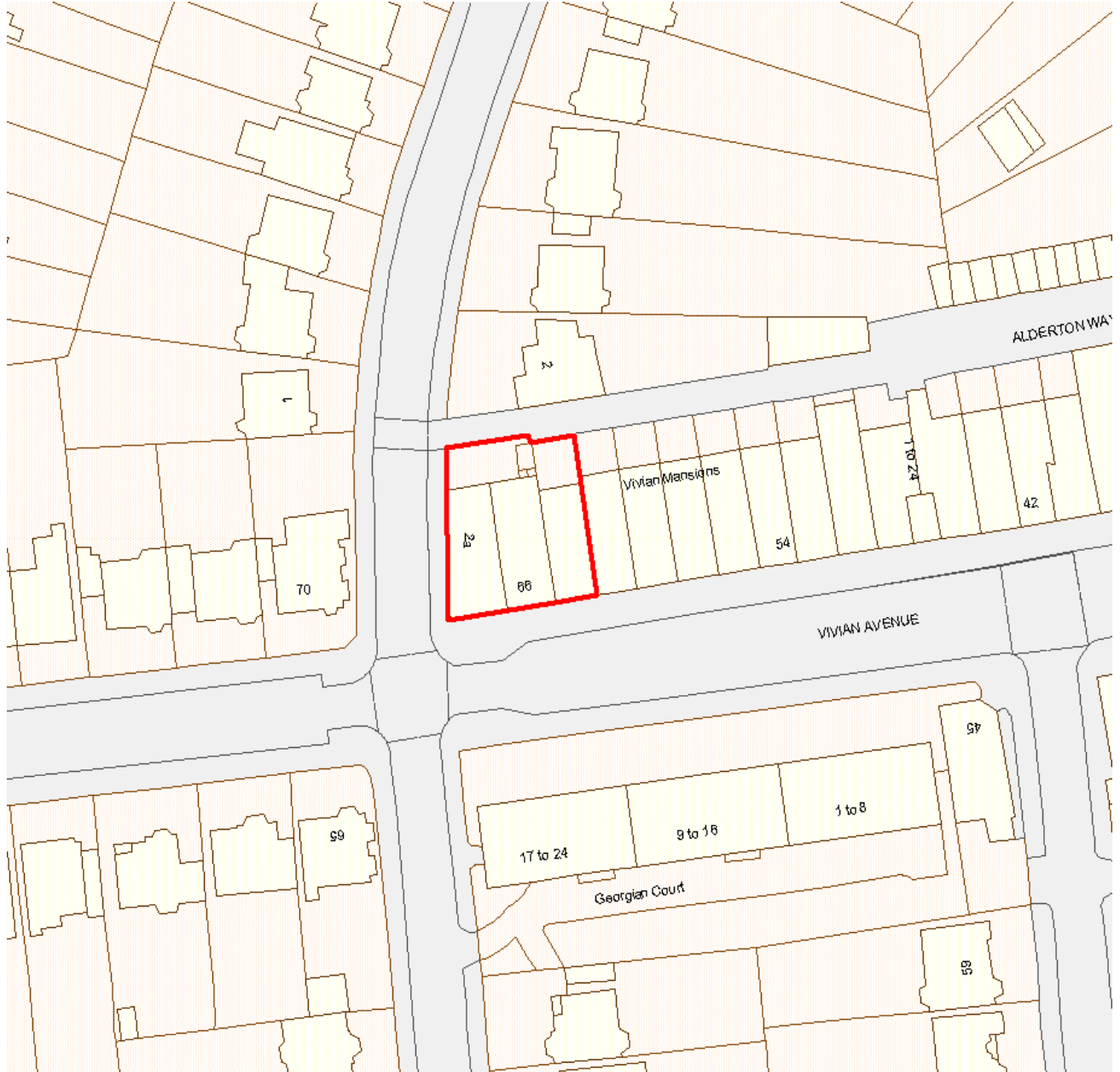
The proposals are considered not to adversely affect the amenity or public safety of the surrounding area and are therefore considered to accord with the NPPF, adopted and emerging policy and accordingly approval is recommended.

**SITE LOCATION PLAN:**  
London, NW4 3XH

**2A Rundell Crescent / 64-66 Vivian Avenue,**

**REFERENCE:**

**H/03561/12**



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