

Reason: To comply with Regulation 14(7) of Part 3 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 in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 6 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.

- 7 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 obscure 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.

- 8 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.

Informative(s):

- 1 The developer is required to apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.
- 2 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 This application relates only to the display of advertisements and does not confer planning permission for a change of use.

OFFICER'S ASSESSMENT

1. Site Description

The application site is an end of terrace property on the corner of Redbourne Avenue and Ballards Lane, within Finchley Church End Town Centre. The site was last used as a Class A2 (Financial services) unit at ground and first floor level.

The property forms part of an identified protected shopping frontage within the designated Finchley Church End Town Centre. The existing property provides three car parking spaces.

The property has been recently listed as a locally listed building. The revised Local Heritage List was put for consideration at Committee on the 6th January 2020, when it was approved and adopted. The building is not a listed building on the statutory list. It was purpose built as a banking hall in the 1930s.

2. Site History

Reference: 20/3147/FUL

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Refused

Decision Date: 07.09.2020

Description: Change of use from Bank (A2) to Sui Generis (Adult Gaming Centre)

*Application is currently being appealed.

Reference: 20/3160/FUL

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 09/09/2020

Description: Replacement of existing ground floor window

Reference: 20/3161/ADV

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 07/09/2020

Description: Installation of 7 no. halo illuminated fascia signs and 1 no. non illuminated entrance sign

Reference: 19/2016/FUL

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 31 May 2019

Description: Change of use of first floor offices to yoga studio and ancillary accommodation only (D2 use)

Reference: 19/0086/FUL

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Withdrawn

Decision Date: 10 May 2019

Description: Change of use of former bank (Class A2) to mixed Class A1/A3 with children's soft play area at ground floor level and 3 self-contained flats at first floor level. New door at the rear at first floor level with associated refuse/recycling store and 4 cycle storage spaces.

Reference: 15/00807/ADV

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 3 March 2015

Description: 3 no. illuminated fascia, 2 no. illuminated projecting signs, 2 no. ATM tablets with painted bezels, ATM cladding, 2 no. car park signs, 2 no. entrance signs, 7 no. glazing vinyl cladding and a nameplate.

Reference: F/00075/12

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 22 February 2012

Description: Installation of internally illuminated 1No. Fascia to the front elevation, 1No. Fascia to the side elevation, 2No. projecting signs, 2No. internally illuminated A1 merchandising posters, 2No. advertising strips around the ATM cash machine and internal 'Opening Hours' vinyl signage.

Reference: F/00043/11/LIC

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Exempt

Decision Date: 31 January 2011

Description: Installation of BT Openreach fibre optic green equipment cabinet.

Reference: C02776F/04

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Withdrawn

Decision Date: 17 December 2004

Description: Installation of access ramp to front entrance.

Reference: C02776E/02

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 16 October 2002

Description: Installation and replacement of various illuminated and non-illuminated fascia signage.

Reference: C02776J/06

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 21 July 2006

Description: New Internally Illuminated box and header box Signs on Elevation Facing Ballards Lane.

Reference: C02776H/06

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 6 July 2006

Description: Installation of one internally illuminated box sign on front elevation.

Reference: C02776D/00

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Approved subject to conditions

Decision Date: 5 October 2000

Description: Installation of 0.6m satellite antenna.

Reference: C02776G/05

Address: 48 Ballards Lane, London, N3 2BJ

Decision: Withdrawn

Decision Date: 1 March 2005

Description: Installation of access ramp to front entrance.

3. PROPOSAL

Installation of 7no. illuminated fascia signs and 1no non illuminated welcome sign

4. Public Consultation

No consultation is carried out for ADV applications.

17 responses have been received, comprising 17 letters of objection.

The objections received can be summarised as follows:

- o Finchley Society object to the substantive application to change the use of this building to an adult gaming centre (20/3147/FUL) which was refused on 7th September.

- o This application for advertising that gaming centre must therefore for consistency be refused.
- o The proposed signage is illuminated on Redbourne Avenue side of the building, which is going to greatly disturb all the residential houses on the street.
- o It is not a painted sign, it is brightly lit.
- o Unacceptable on a residential street.
- o Application is opposite my flat 1 Premier Lodge 1 Redbourne which has large bay windows. The proposed signage a request for 2x 2m long signs on Redbourne Avenue (side of the building), which is going to disturb all the residential houses on the street as well as my flat which is opposite the building.
- o The application is contrary to the council's plans for Finchley Central and will be visually damaging to the properties on Redbourne Avenue.
- o The application should be rejected because the signage contravenes the Gambling Commission's Guidance to Licensing Authorities and its Licence Conditions and Codes of Practice for gambling businesses. The description of gambling at a premises should represent the gambling for which the premises is licensed.
- o We now see an application for an illuminated sign for "SLOTS", not for Bingo, as represented in the gaming licence application. This application is fundamentally disingenuous.
- o This is not Bingo.
- o It is a "Slots" operation, predating on the poorest of our locality. The QC for Cashino shamefully misled the tribunal. He spoke of the "Ratio of machines". There were slot machines & iPads.
- o Does anyone seriously think that a Cashino customer will enter the premises and ask for an iPad to place bets? No. The iPads sole purpose is to skew the ratio of betting machines. More customers play the FOTBs.
- o Aside from the fact that it is misleading in terms of their offering, this illumination will cause light pollution to the street and in particular could disturb the residents in close proximity.
- o Additionally the requested signage will be at odds with Barnet Council's Town Centre Strategy and their Policy CS6 , namely: we will ensure that food, drink, entertainment uses as part of a healthy evening economy in our town centres do not have a harmful effect on residents and the local area; we will ensure the efficient use of...buildings in all town centres, encouraging a mix of compatible uses...that add to the vibrancy of the area whilst respecting character.
- o There is nothing positive in an establishment like this being allowed in our locale - apart from lining the pockets of the people that own it with the wealth and sadness of the poor people they will prey on.
- o This is a listed building and listed building consent should be sought.

Internal consultees:

Environmental Health: No objection.

Highways Officers: No objection.

Street lighting: No comment.

5. Planning Considerations

5.1 Main issues for consideration

National Planning Policy Framework and National Planning Practice Guidance

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM06, DM17

Barnet's Design Guidance

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 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.

4.3 Assessment of proposals

Background History

Planning application reference number 20/3147/FUL for Change of use from Bank (A2) to Sui Generis (Adult Gaming Centre) was refused on 07.09.2020. Application 20/3161/ADV for Installation of 7 no. halo illuminated fascia signs and 1 no. non illuminated entrance sign was made at the same time and approved subject to conditions on the 07.09.2020.

The applicant has appealed the Council decision to refuse planning application 20/3147/FUL.

The subject application is to modify the already approved application 20/3161/ADV in the anticipation that the appeal overturns the decision to Change of use from Bank (A2) to Sui Generis (Adult Gaming Centre). The change is to the lettering which will say 'Merkur Slots' rather than the previously approved 'Merkur Cashino'.

Planning Considerations

In respect of applications to display advertisements, the LPA can consider:

- public safety
- visual amenity

Public 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), 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 the Government's Planning Practice Guidance.

Environmental Health have assessed the application and have no objection they advise that the lights would be unlikely to impact upon local residents.

It is considered that the signs would not be detrimental to public 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 and on the visual amenity of the immediate neighbourhood. 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.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 193-202 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

No. 48 Ballards Lane is not a listed building on the statutory list. It is a locally listed building which means that, Council must consider it a heritage asset when considering planning applications, it does not have the same protections as a listed building and a separate listed building consent for any works is not required. It is considered that the subject scheme would not have a harmful detrimental impact on the architectural features of the building. The advertisements are restricted largely to the existing fascia banding on both elevations and limited to illuminated lettering rather than a full width advertisement fascia. The placement of the advertisements would not result in additional clutter to the front elevation of the building and would not be out of character in terms of the overall visual appearance. This particular stretch of Ballard's Lane is characterised by a host of different uses and signage types.

As a result, the proposed changes are unlikely to affect the visual amenity of the area, the character and appearance of the locally listed building or the amenities of neighbouring occupiers.

It should be noted that similar signage was approved under application 20/3161/ADV. As such, it would be unreasonable to refuse the subject application.

5. RESPONSE TO PUBLIC CONSULTATION

All planning related matters are considered to be covered in the above report. Many of the objections relate to planning application 20/3147/FUL this objection can not be assessed under the subject application.

6. EQUALITIES AND DIVERSITY ISSUES

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

equality responsibilities.

7. CONCLUSION

The proposal is considered to not adversely affect the amenity or public safety of the surrounding area and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for approval.

