

**Location** **Burroughs Into Church Road And Along Brent Street London NW4 4BQ**

**Reference:** **21/0671/ADV** Received: 8th February 2021  
Accepted: 8th February 2021

Ward: Hendon Expiry: 5th April 2021

**Case Officer:** **Olivia Fuller**

Applicant: Miss Lizzie Miller

Proposal: Installation of up to 34no PVC lamppost banners [Amended Description]

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Supplied by Stanfords: Order Ref OI1441836 (uploaded 10 Jun 2021)

Banner Size/Lower Banner Arm (uploaded 08 Feb 2021)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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 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.

- 6 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.

- 7 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.

#### **Informative(s):**

- 1 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.

## **OFFICER'S ASSESSMENT**

This case has been called to the Committee at the request of Cllr Fluss for the following reason:

*Due to the clutter and adverse impact it [the proposal] will have on the street scene*

### **1. Site Description**

The application site relates to several lampposts which run from the Burroughs Into Church Road and along Brent Street.

The post identified as No 19 falls within the Hendon - Church End Conservation Area. To the western end of the site, Nos 12, 13 and 14 stand opposite Listed Buildings, with No 16 outside a Locally Listed Building.

However, it should be noted that these posts already bear banners not dissimilar to those being proposed.

### **2. Relevant Planning History**

Reference: H/04381/12

Address: Middlesex University, various pavement locations on The Burroughs, London, NW4

Decision: Approved subject to conditions

Decision Date: 29 August 2013

Description: Installation of 9no. non illuminated banners on street lighting columns.

### **3. Proposal**

This proposal seeks consent for the installation of up to 34no. PVC lamppost banners and has been amended during the lifetime of the application.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m.

### **4. Consultation**

No objections were received in the lifetime of the application.

The Local Highway Authority was consulted during the lifetime of the application and raised no objection to the scheme.

The Head of Network and Infrastructure - Environment has provided the following statement pursuant to the recent tranche of applications of which this forms part:

*Bay Media are acting on behalf of the Council's Highways Team, in terms of providing one element (lamp post banner advertising) of the Councils recently adopted Advertising Policy, as already agreed by the Councils Environment Committee. This is part of the Environment Committees agreed savings targets over the next 5 year period as this agreement with Bay Media provides the Council with guaranteed annual income which ensures that the Council are achieving best value from the efficient use of existing Highway Assets.*

Bay Media have worked closely with the Planning Team in order to identify suitable sites that seek to avoid conservation areas and locations near listed buildings and therefore the applications now being considered are for less sites than originally identified as being potentially viable advertising sites within the borough. This recognises the need for sensitive deployment of commercial advertising in the borough.

It is also important to understand that these applications are looking to establish an inventory of lamp posts which could potentially be utilised for the attachment of commercial advertising banners and hence provide flexibility on available sites across the borough. There are very few occasions where we would foresee all sites being booked at the same time. The creation of an inventory of approved sites allows Bay Media flexibility to sell to clients looking for specific sites for directional purposes and is something that has worked well in other boroughs where Bay Media are operating advertising schemes, such as the neighbouring boroughs of London Borough of Harrow and the London Borough of Camden.

For this application we foresee the type of client buying the banners to be local businesses and educational institutions, who have already shown a keen interest in this format of advertising as it is the most economical advertising format available to them. In addition to the deployment of commercial advertising it is also envisaged that Bay Media will assist the Authority to utilise the same lighting columns to deploy public messaging banners and local event promotions at appropriate times. This has already occurred in respect to specific COVID messaging and for the Barnet Medieval Event where banners have been installed for the past two years along Barnet High Street and are planned again in support of this years event.

The initial concession with Bay Media is for a 5-year period and has a requirement for all campaigns and clients being vetted and approved prior to installation by an Authorised Council Officer within the Highways Team of the London Borough of Barnet. There are also standard requirements such as meeting the advertising standards/codes to avoid any inappropriate forms of advertising being displayed.

## **5. Planning Considerations**

### **5.1 Main issues for consideration**

#### National Planning Policy Framework

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 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### 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, DM17.

### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### 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 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.

## **5.2. Preliminary Matters**

Within the lifetime of the application, 1no. lamppost banner was removed from the proposal due to its siting in relation to 93-95 Church Road, which is designated as a listed building. It is considered that the removal of 1no. lamppost banner would not materially

alter the scheme. As such, a further consultation was not undertaken for the change of the development description from 'Installation of up to 35no PVC lamppost banners' to 'Installation of up to 34no PVC lamppost banners'.

### **5.3 Assessment**

As set out by Paragraph 132 of the NPPF, the LPA can only control the display of advertisements based on two criteria. Advertisements applications of this type can only be assessed in respect of the interests of amenity and the impact on public safety. Therefore it is important to note that any other issues cannot be a factor in the determination of such advert applications.

#### **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.

This application seeks consent for the installation of up to 34no. PVC lamppost banners.

The highways department raised no concern over the proposal in terms of the impact on the highways and public safety.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. They would not be illuminated, nor would they present moving images.

Whilst it is accepted that a majority of the advertisements would be sited in prominent locations, in close proximity to the highway, it is considered that given the static nature and siting above ground level, the proposal would not distract passing drivers or impede on pedestrian safety. The impact individually would also be comparable to the existing situation along Church Road outside of the university.

Several conditions are to be attached to permission to ensure public safety: 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. In addition, a condition

requiring that no advertisements 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. In terms of public safety, the proposal is considered acceptable, subject to conditions.

## **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 siting. In addition, they should be located to avoid visual clutter.

Following a detailed review of each of the site locations, 1no. advertisement was removed from the scheme. This was due to its siting in relation to 93-95 Church Road. Concerns were raised that the advertisement would impact on the setting of the listed property.

Only one banner is situated within a designated conservation area and those along the Burroughs are opposite Listed and Locally Listed Buildings. However, these already host comparable banner advertisements and as such, their continued use is not considered to be of greater detriment to those heritage assets.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. The advertisements would be located above head height and given their scale, are not considered to adversely impact on the visual amenity of local residents.

Brent Street and Church Road form part of the Brent Street Town Centre. This is a predominantly commercial area, with numerous advertisements noted within the streetscene, mainly serving commercial premises. Given the character of the area, the proposed advertisements would not appear alien in their setting. Taking that into consideration - along with the existing advertisements - it is considered that the proposal would be in keeping with the streetscene, in compliance with Policy DM01.

Whilst it is accepted that the proposal would result in an increase in the number of advertisements within the streetscene, given the design, scale and type, it is not considered that the proposal would adversely impact upon the character and appearance of the surrounding area.

It is not considered that the proposed advertisement would generate any additional harm to the visual amenity of the local area, above and beyond the existing. The proposal is thus acceptable in this regard.

## **6. Response to public comments**

N/A

## 7. 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.

## 8. Conclusion

The proposal is not considered to 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

