

Location	O/s 836 High Road London N12 9RE	
Reference:	21/4191/ADV	Received: 27th July 2021 Accepted: 27th July 2021
Ward:	Woodhouse	Expiry 21st September 2021
 Case Officer:	 Ashley Niman	
Applicant:	MS Bella Noakes	
Proposal:	Insertion of two internally illuminated digital LED screens, one on each side of the InLink unit	

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: Digital Kiosk Proposal (Trueform), Existing and Proposed views (BT Ref BAR-213), Site and location plan (InLink Project BAR-213, dated 26.03.2021), Planning Statement (Harlequin, REF BAR 213) Covering letter (Harlequin, Ref BAR-213), Street Hub product statement (BT, February 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 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 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.

- 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 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

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 and the Applicant engaged with this prior to the submissions of this application. 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

1. SITE

The application site is an area on public highway outside Sainsburys at 836 High Road close to the junction with Ravensdale Avenue. It is not within a designated conservation area and is not adjacent to any locally or statutory listed buildings.

2. PLANNING HISTORY

Reference: 19/4852/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of public payphone/commercial hub

Refused for the following reasons:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Design Guidance Note No.1: Advertising and Signs (1994).

2. The proposed development would, by reason of its design, fail to adequately reduce opportunities for criminal and anti-social behaviour, and would fail to contribute to a sense of security for users and the wider community.

The application is therefore considered unacceptable and contrary to Policy CS12 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.3 and the National Planning Policy Framework (2019)."

Reference: 19/4853/ADV

Address: 836 High Road

Decision: Refused

Decision Date: 29.10.2019

Description: Installation of 86" inch advertisement located on the rear face of the communications apparatus

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, detrimentally impact on public safety.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012), the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994) and the National Planning Policy Framework (2019). "

Reference: 21/1474/FUL

Address: 836 High Road

Decision: Refused

Decision Date: 12.05.2021

Description: Installation of public payphone/communication hub

Refused for the following reason:

"1. The proposed development would, due to its proximity to the crossing, level of illumination and distraction to drivers, increase road safety risk.

The application is therefore considered unacceptable and contrary to Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained with Barnet's Design Guidance Note No.1: Advertising and Signs (1994)."

3. PROPOSAL

Removal of existing BT payphone and installation of 1no. new InLink structure (BT Street Hub). It would be sited on the public pavement outside Sainsburys, 836 High Road, close to the junction with Ravensdale Avenue. The new structure would measure 298cm in height and 123.6cm in width, with a depth of 35cm.

The planning history above relates to a different site slightly further south fronting Sainsburys. Those applications were to replace the existing advertising column with a payphone/ commercial hub but did not remove the existing BT payphone. The siting was close to a traffic controlled crossing and received objection from highways officers and the police.

4. PLANNING CONSIDERATIONS

No consultation for an application for display of advertisements.

4.1 Main issues for consideration

Planning Practice Guidance states that the Local Planning Authority's power to control advertisements under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 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.

4.2 Policy context

National Planning Policy Guidance / Statements:

The determination of planning application 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 20 July 2021. 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, 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.

Existing policies in Barnets Local Plan (2012) and the London Plan (2021) should not be considered out of date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

Paragraph 136 of the revised NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Barnet's Local Plan (2012)

Barnet's Draft Local Plan Reg 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

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, CS9.

Relevant Development Management Policies: DM01, 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 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.

4.3 Assessment of proposals

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.

The supporting cover letter for this application by Harlequin dated 15 August 2021 states: "The Street Hub unit will be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who will utilize the digital HD display screens on both sides of the unit. The two screens automatically dim at night to 600cd/m², following daylight hours and in accordance with the levels set for this type and size of screen (those under 10m) by the Institute of Lighting Professionals, Professional Lighting Guide 05 2015: The Brightness of Illuminated Advertisements - minimizing disturbances to residents in the evening.

The screens will display content at 10-second intervals, in the form of both the commercial content that funds the service, as well as a wide range of local community and council content. As such, the proposed Street Hub will provide 876 hours of free council advertising per year, with the opportunity for discounted advertising for local business groups (such as BIDs and Chambers of Commerce) and their members through BT's Street Hub Partners Program. "

Highways officers raise no concerns and therefore, in terms of Policy DM01, the proposal would not harm public safety.

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

The proposed structure is located on an area on wider pedestrian pavement. The setting is commercial in nature and character. It is not located within a conservation area and is not

immediately adjacent to locally or statutory listed buildings. The removal of the redundant BT phone box is welcome. The 'hub' will be higher and wider than the phone box but will be slimmer and less bulky. Moreover, unlike many similar structures, it is set against the substantial brick wall of the property behind and is located within the town centre. It will therefore be appropriate as it will not materially increase visual clutter and would relate acceptably in terms of its size and siting.

Therefore, in terms of Policy DM01, the proposal would not harm local character, and continue to respect the appearance of surrounding buildings, spaces and streets.

5. CONSULTATION

Objections received to the accompanying planning application addressed in report for 21/4178/FUL.

Highways Officer: No objections raised

Metropolitan Police: The existing TK proposed for removal is in a very poor condition and its removal is strongly recommended, as per the planning application. There is no objection to the proposal subject to removal of the existing BT box, and for the provision of CCTV.

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.

