

DELEGATED

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References:	P/2008/1440	01244/AB/AD6
Address:	New England Bar, York Road, Brentford	
Ward:	Brentford	
Proposal:	Installation of 1 x internally illuminated free standing portrait advertisement display hoarding.	
Drawing numbers:	A556-01 and A556-02 received 30.4.08	
Application received:	30.4.08	

1.0 SUMMARY

- 1.1 Advertisement consent is sought for the retention of a 1 x internally illuminated free standing portrait advertisement display hoarding.
- 1.2 The advertisement is being displayed without consent. The owners have been asked to remove it, as it is unauthorised. This application has been submitted to retrospectively seek consent to display it. It is recommended that permission to retain the advertisement be refused, and action be taken to remove the unauthorised advertisement.

2.0 SITE DESCRIPTION

- 2.1 The New England Bar has closed down, and the site is vacant. The site consists of the public house building on the southern side of the site, abutting York Road to the south and Brook Lane South to the east. York Road is a residential road, and Brook Road South is mainly residential. The front of the site was used as a car park for the pub, with access from Brook Road South and an exit onto the A4. The garden of the residential house of 50 York Road runs alongside the car park. At the bottom of the York Road gardens is a row of trees, separating the houses from the A4 and elevated M4. The A4 has a wide footpath and cycle path.
- 2.2 The advertisement is displayed on the western side of the car park, abutting the row of trees. It faces east. Also in the car park is an unauthorised scaffold, upon which are two landscape shape advertisements fronting the elevated M4. Action is being taken to remove the unauthorised adverts and scaffold.
- 2.3 The A4 is managed by TfL and elevated M4 is managed by the Highways Agency.
- 2.4 The area to the north, west and south of the site is mainly residential, bisected by the A4 and M4. To the west, on the opposite side of Brook Road South, is a

vacant office building of Alfa Laval, subject to re-development. This derelict building is covered by a shroud depicting the Art Deco buildings of this road in the 1930's, to hide the derelict building. One advert is displayed on each side of the building.

3.0 HISTORY

01244/AB/AD1 Installation of 1 x 48 prism sheet poster display unit, externally lit to premises.

Refused 29 July 2003

3.2 **01244/AB/P1** Demolition of existing front stairwell and the erection of four-storey front extension to Great West Road elevation; addition of two storeys to create four-storey building, with set-back from boundary with 50 York Road, and new gabled and hipped roofs over; to create enlarged bar space and terrace at first floor level and 32 guest bedrooms, 4 staff rooms all with en-suite wc's together with 8 parking spaces and partial change of use from A3 public house to A3 public house with hotel accommodation.

Granted 14 December 2004

3.3 **01244/AB/AD2** Installation of two (9m x 5m) internally illuminated advertising panels and associated (25m high) display structure.

**Refused
Appeal dismissed 13 June 2005**

3.4 **01244/AB/AD3** Installation of 5 temporary advertisement hoardings (externally illuminated) to scaffolding to be erected to the New England Public House to a height of 19.5m.

Refused 20 June 2006

3.5 **01244/AB/P3 & 01244/AB/AD4** Planning permission and advertisement consent for the erection of a (22.5m high) tower incorporating illuminated colour-changing panels, and the erection of two internally illuminated advertisements (5m x 7.5m).

Refused 3 July 2006

3.6 **01244/AB/P4 & 01244/AB/AD5** Planning permission and advertisement consent for the installation of 2x internally illuminated advert hoardings to display structure in grounds of New England bar (being for an 18.5m high advertising display tower to incorporate 2x internally illuminated advertising panels (5m x 7.5m) to be erected within the car park).

Refused 14 September 2006

3.7 **01244/AB/P2** Alterations and extensions to provide a 49 bedroom hotel incorporating A3 restaurant at ground floor.

Refused 14 June 2006

Appeal allowed 9 January 2007

3.8 **01244/AB/LAW1
(the appeal
application)** Certificate of Lawful development for two internally illuminated 96 sheet hoardings measuring 12m x 3m displayed on existing scaffolding structure.

Refused 9 February 2007

The London Borough of Hounslow as the Local Planning Authority hereby certifies that on 3 January 2007 the development comprising the display of two internally illuminated 96-sheet hoardings measuring 12m x 3m, erected to scaffolding structure at the front of the site, was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 for the following reasons:

- 1. The scaffolding structure that has been erected is not reasonably required for the purposes of carrying out building operations for which planning permission has been granted and as such it is not considered that the scaffolding structure is permitted in accordance with Class A to Part 4 of the Town and Country Planning (General Permitted Development) Order 1995.*
- 2. The hoardings that have been erected do not comply with Schedule 3 Part 1 Class 8 of the Advertisement Regulations 1992 in that they are unnecessarily high to be considered as enclosing land upon which building operations are taking place.*

3.9 **01244/AB/P1(A)** Following approval for demolition of existing front stairwell and the erection of four storey front extension to Great West Road elevation; addition of two storeys to create four storey building, with set-back boundary with 50 York Road, and new gabled and hipped roofs over; to create enlarged bar space and terrace at first floor level and 32 guest bedrooms, 4 staff rooms all with en-suite wc's together with 8 parking spaces and partial change of use from A3 public house to A3 public house with ancillary hotel accommodation- details submitted pursuant to condition 3 (noise) of approved planning permission reference No. 01244/AB/P1 dated 14/12/2004.

Details approved 7 November 2006

3.10 **01244/AB/P1(B)** Following approval for demolition of existing front stairwell and the erection of four storey front extension to Great West Road elevation; addition of two storeys to create four storey building, with set-back boundary with 50 York Road, and new gabled and hipped roofs over; to create enlarged bar space and terrace at first floor level and 32 guest bedrooms, 4 staff rooms all with en-

suite wc's together with 8 parking spaces and partial change of use from A3 public house to A3 public house with ancillary hotel accommodation- details submitted pursuant to condition 4 (materials) of approved planning permission reference No. 01244/AB/P1 dated 14/12/2004.

Details approved 5 December 2006

- 3.11 **01244/AB/P1(C)** Following approval for demolition of existing front stairwell and the erection of four storey front extension to Great West Road elevation; addition of two storeys to create four storey building, with set-back boundary with 50 York Road, and new gabled and hipped roofs over; to create enlarged bar space and terrace at first floor level and 32 guest bedrooms, 4 staff rooms all with en-suite wc's together with 8 parking spaces and partial change of use from A3 public house to A3 public house with ancillary hotel accommodation- details submitted pursuant to condition 5 (Landscaping) of approved planning permission reference No. 01244/AB/P1 dated 14/12/2004.

Details approved 12 December 2006

- 3.12 **01244/AB/P1(D)** Following approval for demolition of existing front stairwell and the erection of four storey front extension to Great West Road elevation; addition of two storeys to create four storey building, with set-back boundary with 50 York Road, and new gabled and hipped roofs over; to create enlarged bar space and terrace at first floor level and 32 guest bedrooms, 4 staff rooms all with en-suite wc's together with 8 parking spaces and partial change of use from A3 public house to A3 public house with ancillary hotel accommodation- details submitted pursuant to condition 11 (boundary treatment) of approved planning permission reference No. 01244/AB/P1 dated 14/12/2004.

Details approved 12 December 2006

- 3.13 **01244/AB/LAW2** Certificate of Lawfulness for the existing 2no internally illuminated 96 sheet hoarding each (12m x 3m) displayed on existing scaffolding structure to building.

Application received 7 September 2007

Not lawful

Dismissed on appeal 29 February 2008

4.0 DETAILS

- 4.1 Advertisement consent is sought to retain the advertisement display. The portrait shaped panel is 3m wide x 4.5m high, with the advert within the panel being 2.8m x 4.3m. The whole panel is 2.4m above ground at the bottom, reaching an overall height of 7.4m above ground level. The depth of the internally illuminated panel is 0.4m. The whole panel is attached to the ground with a solid base, which has underground electrical connections for the internal illumination.

- 4.2 It is illuminated by 10 1500mm x 25mm diameter 58 watt fluorescent tubes arranged in 2 banks vertically aligned. The current display is static
- 4.3 It is fixed against the side wall of the pub car park, facing east

5.0 CONSULTATIONS

- 5.1 Transport for London commented that they are generally opposed to any advert hoarding that is in view of the TLRN due to road safety and potential impact on road traffic accidents. All advertising signs are designed to attract attention and are, therefore, by definition detrimental to road safety. Appendix B to Annex to Circular03/2007 specifies the grounds for objections to the siting of advert signs where *those which, because of their size or siting, would obstruct or confuse a road users views, or reduce the clarity of effectiveness of a traffic signal, or would be likely to distract road-users because of their unusual nature.*
- 5.2 TfL object to the application due to its size, characteristics and location at a busy junction
- 5.3 Head of traffic and parking has no objection to the sign, provided the display is static only. If it was intermittent or scrolling there would be concerns..

6.0 POLICY

Planning Policy Guidance 19 “Outdoor Advertisement Control” (2007)
Annex: Criteria for Deciding Applications and Appeals Involving Poster Sites
Circular 3/2007

The Development Plan

- 6.1 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

Material considerations and emerging policies

- 6.2 As part of its prospective Local Development Framework, the authority has prepared two draft development plan documents ('DPDs'): the Employment Development Plan Document and Brentford Area Action Plan, which are subject to Examination Hearings in March and April 2008 respectively. The authority has also prepared two draft supplementary planning documents ('SPDs') in relation to 'Planning Obligations' and 'Air Quality'. As emerging policy, the two DPDs and two SPDs are material considerations in determining applications for planning permission. In particular, BAAP policies on the GWR are particularly relevant.

Unitary Development Plan

The statutory development plan for Hounslow is the Unitary Development Plan, adopted on 12 December 2003. Relevant policies are:

IMP.4.2 The Great West Road

ENV-B.1.1 All New Development

ENV-B.1.4 Advertisements

T.4.4 Road Safety

7.0 PLANNING ISSUES

7.1 Planning issues to consider are:

- The effect of the proposal on the local townscape/landscape and amenity; and
- Highway / public safety considerations.

Assessment framework

7.2 Pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007, the display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'.

7.3 PPG19 sets out the Government's planning guidance on the display of outdoor advertising. In accordance with PPG19, in assessing an advertisement's impact on 'amenity', consideration should be given to the effect of an advertisement on visual amenity in the immediate neighbourhood where it is to be displayed. Relevant considerations when assessing the impact on visual amenity include the local characteristics of the neighbourhood; including the scale and massing of existing structures. The Annex to PPG19, which sets out the criteria for deciding applications and appeals involving poster sites, states that poster panels displayed on the flank wall of a building should not be unduly dominate and should be so designed and positioned as to be seen as an integral feature of the building. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on the building, "the most important criterion is the overall visual effect of the display upon the entirety of the building". When assessing the impact of an advertising display on public safety, the Annex recognises that advertising displays are intended to draw attention, and that "the vital consideration 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".

7.4 UDP Policy IMP.4.2 sets out a number of criteria to be taken into account when considering development proposals along the Great West Road, including the visual appearance of the development and its contribution to

enhancing the role of the Great West Road as London's primary 'Gateway' to and from the rest of the world. This is supported in the BAAP.

- 7.5 Policy ENV-B.1.1 (New Development) seeks to ensure that any development is compatible with the character of the area and enhances it in terms of size, scale, materials and design. Amongst other things it states that development proposals should "...make a positive contribution to the overall environmental quality" and "comply with all appropriate planning policies and guidelines".
- 7.6 Policy ENV-B.1.4 seeks to ensure that all advertisements are aesthetically compatible with the surrounding area and do not detract from the appearance of a locality. Advertisement consent will be refused if the advert would adversely affect pedestrian safety or the safety and free flow of traffic.
- 7.7 The Great West Road Strategy was published in 1993. The document outlines a 'vision' for the Great West Road to 'improve the physical, natural and visual environment and recreate a unique built environment, whilst preserving and enhancing the original buildings and features of the road which make a significant contribution to the historic and architectural character of the area', and to 'enhance the role of the Great West Road as London's Gateway. This has been incorporated into the BAAP.

The effect of the proposal on the local townscape/landscape and amenity

- 7.8 Whereas shroud advertising can illustrate change and regeneration and screen sites or premises that would otherwise be visually detrimental to the surrounding area (i.e. pending the redevelopment of derelict sites or buildings undergoing construction), it is not considered that this proposal, by reason of its excessive and unjustified scale, would contribute positively to the locality. The existing building, which is of modest size, is set back from the street frontage by approximately 15m, and, although vacant, is not considered to be unduly harmful to the appearance of the area. Action is being taken to remove the unsightly unauthorised scaffolding and advertisements displayed upon it.
- 7.9 Whilst it is accepted that planning permission exists to re-develop the whole site, it is not considered that this free standing advert plays any part in screening the site, or helping to improve the area. Rather, it is a free standing panel displayed solely to attract attention to the advertisement, and not to perform any function in the improvement of the streetscape.
- 7.10 The advert display is at the bottom of residential gardens. There is a row of trees to separate the gardens from the roads that bisects Brentford. This advert on the side of the road brings the commercial area into the residential, contrary to policy ENV-B 1.1.
- 7.12 The proposal represents unduly assertive poster advertising of a scale that is inappropriate and unjustified. The advertisement has a significant and unacceptable impact on views along the Great West Road and from the surrounding residential area, contrary to the provisions of the development plan. The advertisement has been sited solely to maximise the impact in

respect of the intended audience (i.e. motorists on the Great West Road) with no regard for the street scene and urban environment within which it is set. The external illumination of the site would also serve to accentuate the inappropriate presence of the advertisement at night.

- 7.13 The regeneration of Brentford and improvement of the appearance of the Great West Road and the quality of the pedestrian and local environment generally along this important route to London is a key Council objective reflected in Unitary Development Plan Policies, BAAP and Supplementary Planning Guidance. It is not only the unsightly appearance of the derelict sites adjoining the corridor and the imposing M4 flyover in this location, but also the proliferation of poster sites and large scale advertising hoardings that serve to detract from the environmental quality of the area.
- 7.14 Commitment to improving the quality of the environment along the Great West Road is reflected by the commissioning of an 'inception study' for the "Golden Mile" in May 2001 with SRB funding from the Green Corridor Partnership; key partners were the London Borough of Hounslow, West London Business, Transport for London, the Highways Agency, GSK, London and Bath Estates and Green Corridor. The inception study was produced by land use consultants to provide a baseline assessment of existing conditions, identify constraints and opportunities, and provide a platform for developing a detailed and much needed Enhancement Strategy for the A4. Green Corridor are currently advising Transport for London on the development of a brief for a detailed strategy for the Golden Mile (Boston Manor Road to Chiswick roundabout) which would identify costed improvement opportunities. Enforcement action is being undertaken to remove all unauthorised advertisements along the Great West Road, and the owners of this unauthorised sign have already been asked to remove it.
- 7.15 It is considered that this proposal to retain the unauthorised advertisement would further deteriorate the quality of the urban environment in this area and undermine the Council's objectives with regard to enhancing this section of the Great West Road.
- 7.16 For the above reasons it is considered that the retention of the poster panel advertisement, by reason of its excessive size, would substantially harm the local townscape / landscape and amenity, and the proposal is contrary to the Council's UDP policies and the guidelines contained within PPG19 and therefore the intent of the Advertisement Regulations.**

Highway / public safety considerations

- 7.17 Circular 3/2007 defines the main types of advertisements which may cause danger to road users are b) those which, because of their size or sitting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road users because of their unusual nature.

- 7.18 It is accepted that an advertisement does not automatically represent a distraction to drivers by virtue of the fact it is visible from the motorway. However, Government guidance clearly envisages some situations where, even if a driver were paying due care and attention, a slight distraction caused by an advertisement would be potentially dangerous. Circular 3/2007 states that 'particular consideration should be given to proposals to site advertisements at points where drivers need to take more care, for instance at junctions, roundabouts.... or other places where local conditions present traffic hazards.'
- 7.19 Transport for London are concerned at the distraction that this advert would cause by its continued presence.
- 7.20 Recent appeals relating to proposals for the display of advertisements in the vicinity of this site, which were dismissed on road safety grounds in 2006 include, in June 2006 the proposed erection of a steel advertising tower to the southeast of the appeal site (adjacent to the south side of the Great West Road (A4) and the elevated M4 motorway approximately 150m west of the Chiswick roundabout, sited within the grounds of the Tie Rack building and close to the back edge of the footway), was refused consent. The Inspector observed that *"...the elevated section of the M4 extremely busy, to the point where frequent braking from vehicles ahead meant a greater than normal concentration was required to ensure a safe distance was kept from traffic in front, even though there is a 40mph speed restriction"*. (APP/F5540/A/06/1198367; APP/F5540/H/06/1198351 paragraph 12) " In this case, the Inspector found that the proposal *"would introduce an additional public safety risk contrary to policies ENV-B.1.4 and T.4.4 of the UDP and leads me to the conclusion that the proposed advertisements would have a harmful effect on highway safety"* (paragraph 14).
- 7.21 In September 2006 appeals against the Council's refusal to grant planning permission and advertisement consent for the erection of a five storey office building, to incorporate 14 advertising hoardings and seven internally illuminated L.E.D screens for advertisement display on the buildings' elevations were dismissed. Here, the Inspector concluded: *"This potential hazard on this difficult stretch of heavily trafficked motorway would introduce an additional public safety risk, contrary to Policies T.4.4 and ENV-B.1.4 of the UDP, which deal with the requirements of advertisements and highway safety matters respectively"* (APP/F5540/A/06/1198977 and /H/06/1198991 paragraph 25).
- 7.22 In July 2007 appeals against the council's refusal to grant planning permission and advert consent were dismissed for the proposed erection of an advertisement tower and associated adverts. The inspector concluded that the development would *' increase the number of large and elevated advertisements placed within a short distance of each other'* he also stated that *' the appeal proposals would result in a local excess of advertising and visual clutter that would be harmful to amenity'* (APP/F5540/A/07/1200857 and /H/07/ 1200856).

7.23 TfL has recommended that the proposal be refused on road safety grounds. It is considered that the retention of this large illuminated advertisement would be potentially detrimental to highway safety and contrary to the Council's UDP policies and the guidelines contained within PPG19.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 None identified.

9.0 CONCLUSION

9.1 For the reasons given above, it is considered that the proposal would be detrimental to the interests of local visual amenity and would prejudice highway safety. With reference to the previous sections, it has been demonstrated that the proposal does not succeed in satisfying the respective policies within the Unitary Development Plan (2003) or the provisions contained within the Department of the Environment: Planning Policy Guidance relating to advertisements.

9.1 Refusal is therefore recommended.

10.0 RECOMMENDATION:

REFUSAL

Reasons:

1.The proposed internally illuminated advertisement, by reason of its excessive size, position and appearance, would dominate and detract from the visual amenity of the locality contrary to the guidance contained in PPG19 Outdoor Advertisements, the Town and Country (Control Of Advertisements) Regulations 2007, and Policies IMP.4.2 (The Great West Road), ENV B.1.1 (New Development), and ENV B.1.4 (Advertisements) within the Adopted 2003 Unitary Development Plan and emerging policy in the BAAP.

2.The proposal would be detrimental to the interests of highway safety and contrary to the guidance contained in PPG19 Outdoor Advertisements, The Town & Country (Control Of Advertisements) Regulations 2007, Circular 03/2007 and Policies ENV B.1.1 (New Development), ENV B.1.4 (Advertisements), and T.4.4 (Road Safety) of the Unitary Development Plan.