

LONDON BOROUGH OF HOUNSLOW

Appeal by JC Decaux UK Ltd

**Land at New England Bar, York Road / Great West Road,
Brentford, TW8 0QR**

Statement

on behalf of the Local Planning Authority

**LPA Ref 01244/AB/AD6
PINS Ref APP/F5540/H/08/2082767**

TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY INSPECTORS) (INQUIRIES PROCEDURE) RULES 2000

Town and Country Planning (Control of Advertisements) Regulations 2007

1.0 THE APPEAL SITE AND SURROUNDING AREA

- 1.1 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. Appendix **MCS 1** attached is a location plan at 1:1250 showing the position of the site in the local area. 4 photos of the advertisement accompany the plan.
- 1.2 The advertisement is displayed on the western side of the car park, abutting the row of trees. It faces east. Previously in the car park was an unauthorised scaffold, upon which there were two landscape shape advertisements fronting the elevated M4. Successful action has been taken to remove the unauthorised adverts and scaffold. Before and after photos are attached as appendix **MCS 2**
- 1.3 The A4 is managed by Transport for London (TfL) and the elevated M4 is managed by the Highways Agency.
- 1.4 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 temporarily displayed on each side of the building.
- 1.2 The Great West Road A4 is a major trunk road running between central London and the West Country. It was constructed in 1925 to alleviate congestion in Hounslow and Brentford on the historic route between London and Bath (London Road and Wellesley Road, Turnham Green and Chiswick High Road). The A4 is a very busy thoroughfare, giving access to central London on an east-west axis. It traverses the whole of LB Hounslow.
- 1.3 The route along the A4/M4, including the application site, is identified in the Unitary Development Plan as being within a Green Corridor.

2.0 PLANNING HISTORY

2.1 Recent planning history of the site is:

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

Refused 29 July 2003

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

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

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

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

**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

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

**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.*

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

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

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

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

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

3.2 Details of these decisions are incorporated as appendix **MCS 3**.

4.0 APPLICATION THAT IS THE SUBJECT OF THIS APPEAL

4.1 Advertisement consent is sought to retain the existing 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

Processing of Application

4.4 Transport for London were notified on 7th May 2008. 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.* TfL object to the application due to its size, characteristics and location at a busy junction. A copy of their objection is attached as appendix **MCS 3**

4.5 The application was refused on 25th June 2008 for the following 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.

4.6 The report and decision notice are attached as appendix **MCS 4**

5.0 NATIONAL POLICIES, GUIDANCE AND THE DEVELOPMENT PLAN

5.1 National Policy and Guidance

5.1.1 PPG 19 Advertisement Control outlines that advertisements should be controlled in the interests of amenity and public safety. Circular 03/2007 and the Town and Country Planning (Control of Advertisement) Regulations 2007 are the most up to date legislation for advertisements.

5.1.2 Appendix B outlines consideration of effect of advertisements on public safety. Paragraphs 1 and 2 in appendix B state that “all advertisements are intended to attract attention. But particular attention should be given to proposals to site advertisements at points where drivers need to take more care, for instance at junctions, roundabouts, pedestrian crossings... or other places where local conditions present traffic hazards.” Para 6 states that “Local Planning Authorities should ensure that on land alongside motorways no advertisements which could adversely affect amenity, or constitute a danger to traffic are allowed”

5.1.3 Appendix E to the circular outlines criteria for deciding appeals involving poster sites. At para 3, it states that LPA’s should seek to ensure consistency in their general approach to wards the determination of applications in particular localities, and the secretary of state should ensure the same approach is taken to appeals. Para 4 states that poster panels displayed as freestanding units alongside the highway should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location.

5.2 The Development Plan

5.2.1 The London Plan and Unitary Development Plan together are constituents of the development plan. The London Plan was adopted in February 2004 and has been the development plan for London since September 2004. The Unitary Development Plan was adopted in December 2003 and subsequently amended in September 2007 following a direction from GOL. Extracts are incorporated as appendix **MCS 5**. The London Plan is the strategic plan setting out an integrated social, economic and environmental

framework for the future development of London. The Unitary Development Plan has greater relevance for local borough wide issues. Where policies between the London Plan and Unitary Development Plan differ, the London Plan takes precedence as it is the most up to date of the two. Relevant policies in the UDP are

5.2.2 Unitary Development Plan

IMP.4.2 The Great West Road

ENV-N 2.9 Green Corridors

ENV-B.1.1 All New Development

ENV-B.1.4 Advertisements

T.4.4 Road Safety

5.2.3 Local Development Framework

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. The Inspector's final binding report on the EDPD was received on 8 August 2008. The report found the submission EDPD sound, subject to the implementation of 19 Inspector's recommendations and additional minor amendments. As the EDPD has been found sound (subject to implementation of the required modifications noted above), and the recommendations of the Inspector are binding and are in the public domain, the emerging policies in the EDPD hold considerable weight. The Council have received the report on the Examination into the Brentford Area Action Plan for fact checking. The document has been found sound subject to the recommendations in the final report which is yet to be published. As emerging policy, the BAAP is a material consideration in determining planning applications. In particular, policy BAAP 4 on the Great West Road is particularly relevant to this site.. **(MCS 6)**

5.2.4 Green Corridors have been identified along transport routes which give opportunities for the improvement of landscaping and amenity (policy ENV-N 2.9)

5.2.5 Policy ENV-B 1.1 of the Unitary Development Plan seeks to ensure that proposals make a positive contribution to overall environmental quality. New development should relate well to its site and the scale, nature, height, massing, character and use of the adjacent townscape. It should also enhance the townscape value of an area through good urban design.

5.3 Advertisements

5.3.1 Policy ENV-B 1.4 of the Unitary Development Plan requires that

- all advertisements are to be of a size, scale and degree of illumination which is compatible with the surrounding area,
- advertisements will normally be confined to areas of commercial activity,
- advertisement consent will not normally be granted if this would result in a proliferation of advertisements and signs or would adversely affect the visual amenity of an area
- advertisement consent will be refused if the advert would adversely affect pedestrian safety or the safety and free flow of traffic
- advertisements will not normally be permitted in sensitive locations such as areas of high historical value and residential areas. The siting, size and number of advertisements should respect the streetscene and minimise visual clutter
- advertisement hoardings will not be permitted unless it can be demonstrated that they fulfil the requirements above and do not detract from the appearance of the locality.

5.4 Regeneration issues

5.4.1 Both Unitary Development Plan policy IMP 4.2 Great West Road and emerging BAAP Policy 4 states that the Great West Road is a distinctive and worthy gateway to London. When the BAAP is adopted, it will supersede Policy IMP 4.2 of the Unitary Development Plan.

5.4.2 Paragraph VI of IMP 4.2 refers to the effect that new development has on adjoining residential areas. This is reflected in paragraph IV which specifically refers to the effect of advertisements. Both policies set out criteria to be taken into account when considering applications for new development along the prime employment area of the Great West Road. These include the contribution the development makes to the regeneration of economic activity, the visual appearance of the building, its contribution to improving urban design in the area and the effect of the new development on adjoining residential areas. In the justification for the policy, paragraph 9.9 states that the Great West Road offers significant opportunities to showcase innovative designs and exemplars of sustainable design...The Council will resist developments that are considered to have a negative effect on the local or wider area. Paragraph V of BAAP also requires new development on the Great West Road to be designed to be the highest quality, maximising opportunities for showcase innovation and sustainable design and construction.

5.5 Highways safety

5.5.1 Policy T.4.4 Road Safety states that the Council will consider the implications of proposals for the safety of drivers, passengers, cyclist and pedestrians. It should be noted that the Department of Transport (Highways Agency) are responsible for the M4 and Transport for London are responsible for the A4.

5.6 Other Material Considerations

- 5.6.1 Planning permission exists for a hotel on the site, details of which are included as appendix **MCS 7**. Also included as appendix **MCS 8** are details of the appeal decisions for advertisement hoardings on the site.
- 5.6.2 There are in existence a number of advertisements along the stretch of road where the A4 and M4 overlap. Some of these are completely unauthorised, some have permission, and have a temporary permission pending redevelopment of the site. Of the unauthorised advertisements, some have been erected without consent ever having been sought, some have been erected despite being refused or dismissed on appeal, and some have had temporary permissions that have now expired. The Local Planning Authority are actively seeking to remove unauthorised unacceptable advertisements. Some, at M4 level, have now been removed following negotiation with the Local Planning Authority, and are listed in Appendix **MCS 9**. A list of the advertisements visible from the A4, and their planning status, is included as appendix **MCS 10**. Appeal decisions for proposals along this stretch of road are incorporated as appendix **MCS 11**. It is clear that the number of advertisements refused consent at M4 level over the last 2 years has noticeably increased. Concern is great over the number and scale of unauthorised advertisements, and a report was submitted to the Isleworth and Brentford Area Committee on 6th July 2006, a copy of which is attached as appendix **MCS 12**, with a copy of the decisions recorded at the meeting. At this meeting, members fully endorsed any action officers should take to remove unauthorised advertisements along the Great West Road and there was cross party support to remove advertisements.
- 5.6.3 TfL have commissioned 'Green Corridors' to look at urban design issues between Boston Manor Road and Chiswick roundabout.

6.0 ISSUES

6.1 Planning issues to consider are:

- Amenity
- Public safety considerations.

Amenity

- 6.3 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.
- 6.4 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. The surrounding area is mainly residential.

- 6.5 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 illumination of the advertisement also serves to accentuate the inappropriate presence of the advertisement at night, at the bottom of a residential garden.
- 6.6 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 and the BAAP. 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.
- 6.7 The Great West Road Strategy, in 1993, had the vision for the Great West Road to be London's Gateway. This was incorporated into Policy IMP 1.4 of the Unitary Development Plan, and emerging Policy BAAP 4. For many people coming to the capital on business, this is one of the first areas of concentrated commercial activity they pass through. The immediate environment heavily influences the initial impressions of the country and its capital as they pass through the borough. Since the Great West Road Strategy was produced in 1993, the new GlaxoSmithKline headquarters building has been constructed adjacent to the elevated section of the M4, and the Paragon, a development of student housing and research and development use for Thames Valley University has been built. The new Audi headquarters is almost complete, and Wallis House is under construction. These tall buildings of high quality design conform with policy and create a positive image for visitors to the borough. Historically, advertisement hoardings have been used to surround development sites during construction. Continuance of advertisement displays of this scale is not considered to add to either the regeneration of the Great West Road as an employment area or to contribute a high quality design building to add to the skyline of the Great West Road. The unauthorised advertisements at M4 level on this site have been removed following action by the Local Planning Authority. There is no justification for the advertisement that is the subject of this appeal to remain.
- 6.8 The site forms part of the A4 / M4 Green Corridor, identified to form visual and vegetated links. The advertisements detract from this, contrary to policy ENV-N 2.9
- 6.9 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.

- 6.10 It is considered that this proposal to retain the unauthorised advertisement would 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.
- 6.11 For the above reasons it is considered that the retention of the poster panel advertisement, by reason of its size and position, would substantially harm the local townscape / landscape and amenity, and the proposal is contrary to the Council's UDP policies and emerging policies in the BAAP, and the guidelines contained within PPG19 and therefore the intent of the Advertisement Regulations.

Public safety considerations

- 6.12 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.
- 6.13 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.'
- 6.14 Transport for London are concerned at the distraction that this advert would cause by its continued presence. 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.

- 6.15 Policy ENV-B 1.4 states that advertisement consent will be refused if the advert would adversely affect pedestrian safety or the safety and free flow of traffic. Policy T 4.4 of the Unitary Development Plan states that when considering proposals for development, the Council will consider the implications for safety of drivers, passengers, cyclists and pedestrians.

Other Material considerations

- 6.16 Policy ENVB 1.4 Advertisements states that
- all advertisements are to be of a size, design, scale and degree of illumination which is compatible with the surrounding area
 - advertisements will normally be confined to the town centres, shopping parades and areas of commercial activity
 - advertisement consent will not be granted if this would result in a proliferation of advertisements or would adversely affect the visual amenity of the area
 - advertisements will not normally be permitted in sensitive locations such as areas of high townscape, architectural or historical value and residential areas
 - advertisement hoardings will not be permitted unless it can be demonstrated that they fulfil the above requirements and do not detract from the appearance of the locality
- It also goes on to state that the Council will continue to take enforcement action against unauthorised advertisements. The report to Isleworth and Brentford Area Committee on 6th July (**MCS 12**) demonstrates the Councils commitment to removing unauthorised advertisement displays.
- 6.17 There are a number of advertisements of various sizes and styles already displayed along the A4 and M4 (**MCS 11**). These existing advertisements have a large impact on the amenity of the surrounding areas. Recognising this, the LPA has taken action to remove unauthorised advertisements, and is continuing to do so. (**MCS 9 and MCS 10**). In addition, the LPA is consistently refusing applications to erect advertisements that are considered to cause harm to the visual amenity of areas along this A4/M4 corridor, and have a detrimental impact on highways safety. Appendix **MCS 11** shows the number of appeals that have been both approved and dismissed in the last 2 years. It is clear that only those which have been specifically designed as advertisement towers have been considered acceptable by the Planning Inspectorate. It is also becoming apparent that, as conditions cannot be enforced restricting the number of words on the advertisements, that Inspectors are now taking the stance of refusing the advertisements, rather than approving with conditions.
- 6.18 A new innovation in advertisement displays is LED. Should any of the advertisements change to being LED display, the advertisement itself could change every 10 seconds, displaying a number of coloured illuminated images over great distances, particularly sensitive areas, and be of serious detriment to highways safety, particularly at M4 level. An unauthorised LED advertisement exists on the A4 at the junction with Chiswick Roundabout. This demonstrates how frequently LED advertisements change, and the

brightness of them. The display of the advertisement is in breach of condition, which is being challenged in the High Court.

- 6.19 A number of other appeal decisions are attached at appendix **MCS 11**. It is clear that the advertisement panels fronting the A4 have generally been given for a temporary period whilst development of the sites is being contemplated/ negotiated. The higher level advertisements aimed at travellers on the M4 have been granted (subject to conditions) if they have formed part of a structure specifically designed for the purpose, to be slim line and unobtrusive and a design statement. The temporary consents previously given have now expired, and the Local Planning Authority are taking action to remove these high level advertisements.
- 6.20 The large banners which were displayed at Alfa Laval, Westgate House and 1053 Great West Road in 2006 were unauthorised, and have all been removed within the last year, following pressure from the Local Planning Authority.
- 6.21 In March 2007 an appeal to display advertisements at the Vantage West building (east of the appeal site) was dismissed on amenity grounds (**MCS 11**). In April 2007, an appeal to retain two advertisements on a steel tower was dismissed at the site of the former Lucozade annexe, Great West Road. The Inspector considered that the advertisements could cause distraction to drivers and they were dismissed on the grounds of highways safety. The unauthorised advertisement at this site has now been removed. In June 2006 an application to display advertisements on a structure to the south of the appeal site, at the Tie Rack site, was dismissed on the grounds of unacceptable visual amenity and being of detriment to highways safety. Appeals to display advertisements at 1000 Great West Road and the overflow car park, Great West Road (appendix **MCS 11**) were dismissed on 15.5.07 on the grounds of highways safety. In addition, at para 8 of the appeal decision at 1000 Great West Road 15.5.07, the Inspector recognised that the Council is trying to regenerate the Great west Road area and policy IMP1.4 sets out development criteria, including enhancement of visual amenity of the area. In March 2008, an appeal to retain advertisements at M4 level on the Alfa Laval site adjacent to the appeal site were dismissed, and have since been removed. In July 2008 an application to erect an advertisement at 1053 Great West Road was dismissed, and the unauthorised advertisement that had been displayed there was removed.
- 6.22 In 2002-2004, when some displays were allowed on appeal, it appeared to be accepted that the wording on displays would be minimised, which would not cause distraction, and this could be controlled by condition. In particular, the condition was applied that the adverts should contain no more than 6 words. This clearly has not been applied, and has been noted as being unenforceable over the years, with recent changes in technology for advertisements, and Inspectors now appear to be taking the view that advertisements on this particular stretch of road are likely to cause a distraction to motorists, detrimental to highways safety.

7.0 CONCLUSIONS

- 7.1 The proposed development clearly departs from the development plan in a number of significant respects and the justification for departing from National, UDP and emerging BAAP policies has not been established.
- 7.2 The proposal to retain the advertisement would be detrimental to the visual amenity and character of the area surrounding the site. Sensitive residential areas surround the site. The existing advertisement does not integrate into the existing streetscape, and is considered to be out of character with the surrounding area, and of detriment to the aims and objectives of the Great West Road strategy.
- 7.4 Policies in both the adopted Unitary Development Plan and emerging BAAP seek to encourage high quality design and environment to assist regeneration of this area. The area is being regenerated, as can be seen by the current construction programmes. Residents and members are clearly concerned over the scale of the existing advertisements in the area, and the proposed retention of the existing advertisements, which may one day be of a of a technology to increase the brightness and number of displays (and provide moving images) provide no benefit to the local area to outweigh the considerable harm that will be created.
- 7.5 Taken with the risk to highway safety and no imminent prospect of development of the site, the Local Planning Authority considers that the appeal should be dismissed.

8.0 CONDITIONS

- 8.1 If the Inspector is minded to allow the appeal, any development should be subject to the list of suggested conditions produced as appendix **MCS 13**.
- 8.2 It would be considered reasonable to seek a unilateral undertaking for a financial contribution towards environmental improvements along the Great West Road, especially for any projects in accordance with Green Corridor improvements. Any agreement should also include provisions for landscaping of the site to mitigate the impact of the advertisements on the Great West Road frontage.