

Appeal Decision

Site visit made on 22 September 2016

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 October 2016

Appeal Ref: APP/T5150/H/16/3150480

Adjacent to Alperton Bus Garage, Bridgewater Road, Wembley, HA0 4LL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Primesight Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/4710 is dated 28 October 2015.
 - The condition in dispute is the part of No 1 which states that: *Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.*
 - The reasons given for condition No 1 as a whole is: *To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*
-

Decision

1. The appeal is allowed and advertisement consent as applied for under Ref 15/4710 for the replacement of an externally illuminated advertisement hoarding with an internally illuminated hoarding adjacent to Alperton Bus Garage, Bridgewater Road, Wembley, HA0 4LL, is granted. The express consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - The level of luminance shall not exceed 250cdm² for any colour.

Main issue

2. The main issue is whether the disputed part of the condition is reasonable and necessary in the interests of amenity or public safety.

Reasons

3. The appeal site is at the western extremity of a large bus garage with the hoarding sitting at right angles to the busy main road within this varied, predominantly commercial area. In amenity terms the situation is a comfortable one for the nature and scale (48 sheet) of the display intended given the backdrop which is found locally which includes large buildings, varied signage, and much activity generally. The site is not within a Conservation Area or proximity to a Listed Building. In public safety terms the hoarding would not be a hindrance to pedestrians and it would be sufficiently removed
-

from the traffic lights to the south east or other highway controls or pertinent deviations to be of no concern from a vehicular perspective.

4. The Council has applied the disputed wording within a condition which has effectively removed the right of the Appellant to continue to display the advertisement under deemed consent following the expiry of the express consent. The Council did not give any reasoning for its approach within the Delegated Report or on the Decision Notice.
5. In its appeal papers the Council briefly explains that it has applied the disputed wording because:

"The adjoining site, which lies to the north-east, immediately adjacent to where the proposed advertisement hoarding is to be sited, is designated employment land, but may not remain a bus garage indefinitely. To therefore not apply this condition may affect the viability of a future potential scheme."

6. From the Appellant's perspective the case is put that the installation of the approved display requires a considerable financial investment and that as a matter of general policy the Council's approach was overly restrictive without any specific justification related to the case in hand.

7. The National Planning Practice Guidance (at ID 18b-034-20140306) (the Guidance) is of considerable relevance to this case:

"All advertisements, whether they require express consent or not, are subject to standard conditions. If a local planning authority decides to impose additional conditions, these must be supported by specific and relevant planning reasons."

"They should never be imposed because the local planning authority wishes, as a matter of general policy, to prevent the operation of Class 14 in Schedule 3(advertisements displayed after expiry of express consent) in their area."

8. The site has a permanent building on it which at the time of my visit looked to be a well used bus station. The site or the wider area may well be suited to future redevelopment in due course and whilst I have no details the 'designation' for this referred to by the Council it may be adopted policy. However I have no evidence of any approved or potential schemes and no indication as to any timing for such if, indeed, they are to come forward for this seemingly well-established site. Should any redevelopment proposal emerge it is likely that the hoarding and its retention or removal will be a factor within the wider consideration embodying amenity and safety issues and perhaps landowner negotiation. Any decision on removal would seem to me to be very premature at this time; I do not have sufficient reasoning from the Council to determine otherwise.
9. In my opinion the Council has failed to provide substantive evidence that deemed rights should be removed and I am cognisant of the advice in the Guidance and the powers available to the Council in any event to take discontinuance action should this be appropriate in the future. In the circumstances I conclude that the disputed wording of the condition is neither reasonable nor necessary in the context of the control of advertisements.

Conditions

10. The Council applied a condition restricting the level of luminance. Notwithstanding that the level was less than indicated on the application papers the Appellant raises no objection to this. I would consider that condition as set by the Council is entirely reasonable in the interests of protecting amenities and general safety along the neighbouring highway and I shall apply it accordingly.

Overall conclusion

11. For the reasons given above, I conclude that the display would not be detrimental to amenity of the area or public safety and that the disputed part of the condition applied by the Council is not reasonable or necessary. The appeal should therefore be allowed.

D Cramond
INSPECTOR