



Appeal Decision

Site visit made on 10 July 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 7 September 2017

Appeal Ref: APP/N5090/H/16/3165066

Land at Bunns Lane, Mill Hill, London, NW7 2AJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Insite Poster Properties against the Council of the London Borough of Barnet.
 - The application Ref. 16/5417/ADV is dated 15 August 2016. The advertisement proposed is erection of two digital LED displays.
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Decision

1. The appeal is allowed and express consent is granted for the display of the two digital LED displays as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the 2007 Regulations and the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. T3818 A4 051 A *Site Plan-Proposed*; drawing no. T3818 A4 060 B *Elevation-North West-Proposed*; and, drawing no. T3818 A4 061 B *Elevation-South East-Proposed*.
 - 2) The intensity of the illumination of the LED displays permitted by this consent shall be no greater than: 600 cd/m² from sunrise to sunset; and, 300 cd/m² from sunset to sunrise. Luminance levels shall be checked once every 6 months and adjusted if necessary to ensure that lighting intensity levels during both of the periods set out above remain within the permitted levels. Records of the required checks and any associated adjustments shall be kept by the operator of the digital LED displays and made available for inspection by the local planning authority at its request. The digital LED displays permitted by this consent shall not have any moving features or apparently moving images, the frequency with which the images change shall not be more often than 1 image change every 30 seconds and any change in image shall be instantaneous.
 - 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for details of the method of: construction of foundations; the erection of the supporting structure for the two digital LED displays; and,
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the installation of the two digital LED displays. It shall also provide details of any measures to be taken to ensure that the safe operation of the M1 motorway is not adversely affected by construction activity, including any works of demolition, and its stability is not compromised. The development shall be carried out in accordance with the approved Construction Method Statement.

Main Issues

2. The appeal is against a failure of the Council to give notice within the prescribed period of its decision on the appeal application for express consent to display an advertisement. Whilst the Council has not objected to the proposal, I have had regard to the objections raised by others. The *National Planning Policy Framework* (the Framework) indicates that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Against this background and having had regard to the submissions made, I consider that the main issues in this case are the effect of the proposal on public safety and amenity.

Reasons

3. The appeal site comprises a small area of land, the southwestern boundary of which abuts the northeastern side of the M1 motorway. To the southeast of the site are a number of commercial buildings within the Bunns Lane Works, to the northeast of which is the Mill Hill Industrial Estate. The appeal scheme would involve the erection of 2 back-to-back internally illuminated digital display panels around 5 metres wide and 7.5 metres high.
4. In 2015, the Council granted express consent Ref. 15/01092 for 2 back-to-back internally illuminated digital display panels mounted on a supporting structure at the appeal site. The approved display panels would be approximately 12 metres wide and 3 metres high. I understand that the appellant is still able to implement that consent and I have no reason to believe that it would be unlikely to do so in the event of this appeal being dismissed. Therefore, I give that scheme significant weight as a fallback position.

Public safety

5. The national *Planning Practice Guidance* (PPG) indicates that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care, for example at junctions, are more likely to affect public safety.
6. In the vicinity of the appeal site, the alignment of the M1 is broadly straight and level, such that the proposed display panels would be seen by approaching drivers from some distance away and would be unlikely to come as a surprise. Furthermore, the appeal site is set well apart from M1 junctions and associated signage, where, in my view, drivers need to take particular care as vehicles are more likely to change lanes. In addition, the level of illumination associated with the proposed panels could be controlled through the imposition of a suitable condition, so as not to result in glare or dazzling of road users. Under the circumstances, I consider that in the vicinity of the appeal site traffic hazards associated with the M1 are likely to be relatively low and the proposed scheme would not be likely to adversely affect highway safety. Highways England, the Highway Authority for the Strategic Road Network, has

confirmed that it does not object to the scheme, subject to conditions. This adds further weight to my finding. I conclude that the effect of the appeal scheme on public safety would be acceptable.

Amenity

7. The PPG indicates that amenity includes visual amenity and relevant factors include the general characteristics of the locality.
8. The proposed panels would be only marginally larger in area than those that have been previously approved and would be set back from the edge of the M1 by a similar distance. In contrast with the horizontal emphasis of the approved scheme, the proposed panels would have a vertical emphasis, comparable to other existing advertisement signage in the local area, erected alongside the M1 further to the southeast. Furthermore, although much taller than the previously approved scheme, the proposed panels would not be significantly taller than the neighbouring lighting columns along the central reservation of the M1.
9. It appears to me that the closest residential properties to the site are to the north of Mill Hill Industrial Estate. However, whilst parts of the proposed development may be visible from some of those dwellings, the proposed panels would not face directly towards them and views of the panels from those properties would be limited by existing tree planting between the industrial estate buildings and the neighbouring dwellings. Although there are other residential properties in the area, those to the southeast are situated beyond the Bunns Lane Works and do not face directly towards the site. Those to the west are situated beyond the M1, some planting and an adjacent railway. Visibility of the development from them would also be limited.
10. In these circumstances, and given the commercial/industrial nature of neighbouring land on one side of the appeal site and the motorway use, with highway lighting, on the other, in my judgement, the proposed display panels would not have a material adverse effect on the visual amenity of the neighbourhood of the site.
11. I have had regard to the concerns raised with respect to light pollution, including with reference to the potential impact on residential property and the operation of the UCL Observatory at Mill Hill. However, as I have indicated, the adjacent section of the M1 is already served by highway lighting and the levels of illuminance associated with the proposed panels could be limited by condition, as in the case of the previously approved scheme. In my judgement, the proposal would be unlikely to result in a significant increase in light pollution levels thereabouts either relative to the existing circumstances or those likely to be associated with the previously approved scheme. I have not been provided with any compelling evidence to the contrary.
12. I conclude it is likely that the effect of the proposal on amenity would be acceptable.

Other matters

13. As I have indicated advertisements should be subject to control only in the interests of amenity and public safety. Against this background I consider the view expressed by some objectors that there is no need for the proposed development is of little relevance and I give it little weight. Neither this, nor

any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conditions

14. In the appeal Questionnaire the Council has suggested that no conditions other than the 5 standard conditions set out in Schedule 2 of the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* (2007 Regulations) would be necessary in the event of the express consent applied for being granted. Nonetheless, I have also had regard to the conditions imposed by the Council in relation to the previously approved scheme Ref. 15/01092 as well as the comments of others.
15. Although the original application form indicated that consent was sought for a period of 10 years, the conditions suggested by the appellant in its Appeal Statement proposed a period of 5 years, in keeping with the standard period referred to in the 2007 Regulations. I have not been provided with any compelling evidence to support a period longer than 5 years.
16. I consider that, with reference to the 2007 Regulations, the consent should have an expiration date of 5 years from the date of this decision and it would be necessary to impose the 5 standard conditions set out in Schedule 2 of those Regulations. In addition, a condition would be necessary, in the interests of certainty, to ensure that the scheme would be carried out in accordance with the application plans. In the interests of highway safety and amenity, a condition limiting the levels of luminance associated with the proposed panels and the nature of image changes would be necessary. Given the close proximity of the site to the M1, it would be necessary to ensure that construction activity would not harm highway safety, through the imposition of a condition requiring a Construction Method Statement to be approved and adhered to.

Conclusions

17. For the reasons given above, I conclude that the display of the two proposed digital LED displays would not be detrimental to the interests of amenity or public safety. I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR