

## Appeal Decisions

Site visit made on 18 February 2022

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> April 2022**

---

### **Appeal A Reference: APP/N5090/W/21/3279412**

#### **Site opposite 811 High Road, North Finchley, Barnet, London N12 8JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by JCDecaux UK Limited against Barnet London Borough Council.
  - The application (reference 21/1476/FUL) was dated 17 March 2021.
  - The development proposal is described in the combined application form as “the installation of a Communication Hub with integral advertisement display”.
- 

### **Appeal B Reference: APP/N5090/H/21/3279413**

#### **Site opposite 811 High Road, North Finchley, Barnet, London N12 8JR**

- 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 JCDecaux UK Limited against Barnet London Borough Council.
  - The application (reference 21/1477/ADV) was dated 17 March 2021.
  - The advertisements proposed are described in the combined application form as a “Single Sided LCD screen measuring 86”” and an “Integral Portrait LCD screen to a bespoke Communication Hub”.
- 

## **Decision**

1. Appeal A (the planning appeal) is allowed and planning permission is granted for the installation of a Communication Hub with integral advertisement display, in the pavement area of the highway opposite 811 High Road, North Finchley, Barnet, London N12 8JR, in accordance with the terms of the application (reference 21/1476/FUL) was dated 17 March 2021), subject to the conditions set out in the attached Schedule of Conditions.
2. Appeal B (the advertisement consent appeal) is allowed and express consent is granted for the display of the advertisement, as applied for (under application reference 21/1477/ADV dated 17 March 2021). The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

## **Main issues**

3. The main issue to be determined in Appeal A, the planning appeal, is the effect of the proposed development on highway and pedestrian safety, in the context of the Development Plan.
4. In relation to Appeal B, the advertisement consent appeal, the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the Development Plan may be a material consideration but cannot be determinative. The main issue to be determined in the advertisement consent appeal also concerns the impact of the proposed advertisement on highway and pedestrian safety.

## **Reasons**

5. This part of High Road, running through the centre of North Finchley, is a very busy thoroughfare, the A1000. In the vicinity of the appeal site both frontages are primarily lined with retail and commercial premises in a dense urban environment. Side roads serving residential streets regularly interrupt the commercial frontages, to join the main road. Some on-street parking is allowed at intervals along the main road (subject to restrictions) which also provides a route for buses.
6. The proposed "communications hub" would be sited in a wide pavement area, close to a road junction, where it would replace an existing advertising column, in a "heritage" style. The new structure would be more "modern" in appearance, smaller in scale and rectangular in elevation, with a changing illuminated advertisement screen on one side and a smaller screen on the other. It would incorporate a number of elements, including defibrillation apparatus and "a variety of online facilities and functions".
7. Policy DM1 of 'Barnet's Local Plan: Development Management Policies' includes an aim to achieve safe streets in general terms, while Policy DM17 seeks to ensure that the safety of all road users is taken into account when considering development proposals.
8. Both 'The London Plan' and the 'National Planning Policy Framework' also draw attention to the importance of highway safety, of course. Barnet's 'Design Guidance Note No. 1 Advertising and Signs' also has some relevance, although it does not have the same status as Policies in the Development Plan.
9. The appeal site is located in a lively urban environment with many items of street furniture and much signage, including illuminated signs. The new communications hub would accord with the character and appearance of the surroundings.
10. There is a pedestrian crossing, which is controlled by traffic lights, close to the location of the new communications hub and the Council raises an objection to the proposal on the grounds of highway safety, arguing that the illuminations on the new hub would distract drivers and increase the risk of accidents.
11. On the other hand, it is pointed out that the new communications hub would be located in a wide area of pavement, in a busy commercial street. The advertisements would not be immediately adjacent to the pedestrian crossing and drivers would see them in the wider setting.

12. On balance, I am persuaded that the Communication Hub and advertisements as shown in the submissions (including suggested conditions) would not give rise to an unsafe situation. I accept that the advertisements would be part of a wider vibrant streetscape and that drivers would not be unduly distracted by the illuminated advertisements themselves. In consequence, the scheme would not conflict with planning policies in the Development Plan and both planning permission and advertisement consent can properly be granted.
13. In reaching that conclusion, I have noted references to a "the Council's newly adopted Advertising Policy" but have only limited information on this. Hence, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeals), as well as those proffered by the appellants.
15. In respect of the planning appeal (Appeal A), the usual commencement condition will apply and a condition is needed to define the planning permission by reference to the approved relevant documents (although specific reference to certain of the submitted documents is unnecessary). A specific condition is desirable (and necessary), to ensure that the existing Heritage Column is duly removed, as proposed, and conditions are also required to control technical aspects of the illuminations, as suggested by the appellant and acknowledged by the Council.
16. Conditions relating to the maintenance of the installation are not appropriate for attachment to the planning permission but a management plan ought to be provided for as suggested by the appellant. I do not believe that a noise condition is required in this case, however, due to the nature of the location.
17. In respect of the advertisement consent appeal (Appeal B), only the five standard conditions set out in the Regulations are necessary (and they do not need to be repeated in this decision).

*Roger C Shrimplin*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
  - Site Location Plan 1:1250;
  - Site Location Plan 1:200;
  - Hub Unit Details Part 2;
  - Pavement Remediation Part 4;
  - Noise Level Report August 2020 Part 5;
  - "Visuals and OS Site Maps" (including site location plans).
3. No alteration shall be made to the Communication Hub that is hereby permitted, without the prior written consent of the local planning authority.
4. No later than one month after the commencement of the development that is hereby permitted, the existing Heritage Column at the appeal site shall be removed (as shown in the application), all debris cleared away and the land made good to the same condition as the adjoining land.
5. No visual effects of any kind are to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
6. The minimum time between successive displayed images shall be 10 (ten) seconds.
7. The intensity of the illuminance of the advertisement shall be no greater than 600cd/m<sup>2</sup> during hours of darkness.
8. Prior to the first display of the advertisement hereby approved a management plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Police Service, concerning the use and operation of the public information display and telephone.