

PLANNING COMMITTEE – 7 NOVEMBER 2024

24/1372/ADV – Advertisement Consent: Erection of a digital advertisement display board at ESSO SERVICE STATION, UXBRIDGE ROAD, RICKMANSWORTH, HERTS, WD3 7BG

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.10.2024

Ward: Rickmansworth
Case Officer: Claire Wilson

Recommendation: That advertisement consent is granted subject to conditions.

Reason for consideration by the Committee: The application has been brought to committee as a District Councillor lives within the consultation area.

To view all documents forming part of this application please go to the following website:
[24/1372/ADV – Advertisement Consent: Erection of a digital advertisement display board at ESSO SERVICE STATION, UXBRIDGE ROAD, RICKMANSWORTH, HERTS, WD3 7BG](#)

Relevant Planning History

- 1.1 00/01293/ADV: (Retrospective Application) Retention of T.V. monitor screen and satellite dish. Application permitted.
- 1.2 02/01139/FUL: Installation of cash dispenser. Application permitted.
- 1.3 02/01442/ADV: Advert Consent: Signage for cash dispenser. Application permitted.
- 1.4 03/0578/ADV: Advert consent: Signage: Free standing advert display. Application refused.
- 1.5 07/2453/RSP: Retrospective application: Temporary installation of dual phase extraction equipment for land remediation and site clean-up. Application permitted.
- 1.6 18/0569/FUL: Demolition of existing petrol filling station and redevelopment to provide a new petrol filling station facility with forecourt shop / sales building, customer car parking and associated services. Application permitted.
- 1.7 22/2192/FUL: Construction of single storey side and rear extension to forecourt shop building and installation of electric vehicle charging facility with associated alterations to forecourt area. Application permitted.
- 1.8 23/1586/FUL: Variation of Condition 2 (plan numbers) pursuant to planning permission 22/2192/FUL (Construction of single storey side and rear extension to forecourt shop building and installation of electric vehicle charging facility with associated alterations to forecourt area) to include replacement of approved electric vehicle charging facility with single storey rear extension and associated alterations to forecourt area. Application withdrawn.

2 Description of Application Site

- 2.1 The application site as enclosed in red on the submitted location plan is located within the Esso Garage Service Station site (as enclosed in blue on the submitted location plan), on Uxbridge Road, Rickmansworth. The area the subject of this application consists of an existing raised planter. Immediately to the west of this is an existing two storey building which appears to be part residential/part commercial in use. Located on the existing close boarded fencing on the boundary are existing advertisement banners which are associated with the service station.

2.2 As noted above, the application site is located within the Esso Service Station which consists of the petrol filling station, associated sales building and car wash facility. This is accessed via the existing vehicular crossover from Uxbridge Road with cars existing via Park Way.

2.3 Uxbridge Road contains a mix of residential and commercial properties; whilst Park Way is residential in character.

3 Description of Proposed Development

3.1 The applicant is seeking advertisement consent for the erection of a digital display board.

3.2 The proposed digital display board would be located immediately adjacent to the western boundary of the site within the existing raised planter. The plans indicate that it would be sited in line with the front elevation of the existing two storey building located to the west of the site. It would have a maximum height of 2.4m, a width of 1.2m and a depth of 0.22m. The electronic display board would be located on the front of the signage, and is angled such that it would not directly front Uxbridge Road. The electronic board itself would have a width of 0.9m and a height of 1.65m.

3.3 The supporting statement submitted with the application states that the advertisements will comprise local and national campaigns as well as goods sold on site. These will be displayed as static advertisement on rotation

4 Statutory Consultation

4.1.1 Batchworth Community Council: [No objection]

BCC discussed and noted this application.

4.1.2 Environmental Health Officer: [No objection]

Based on the information provided, Environmental Health would not seek to object to this proposal. However, we would suggest the proposed advertisement be conditioned such as:

To prevent unnecessary impact to the local amenity, the illuminated signs and its brightness if permitted, shall be controlled a level that is within the values recommended by the Institution of Lighting Professionals in the publication Professional Lighting Guide 05: Brightness of Illuminated Advertisements (PLG05).

4.1.3 Herts Highways: [No objection]

The proposed advertisement would not be located on or considered to interfere with the nearest highway to the site on Uxbridge Road.

HCC as Highway Authority would not have an objection to the proposals.

Officer comment: Following neighbour concerns regarding the digital display board being a distraction to drivers, further clarification was sought from the Highways Officer and the following comments received:

I would suggest wording for a condition such as:

The illuminated signs hereby permitted shall be controlled a level that is within the values recommended by the Institution of Lighting Professionals in the publication Professional Lighting Guide 05: Brightness of Illuminated Advertisements (PLG05).

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies 5, 17 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

As long as the level of brightness is provided in accordance with the guide as referred to (the submitted application form states that it will be provided "in line with ILP Guidance" too) then it is considered that there would not be a concern in respect to distraction to highway users.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 17

4.2.2 No of responses received: 1.

4.2.3 Site Notice: Not required. Press notice: Not required.

4.2.4 Summary of Responses: Our bedroom and living room face onto the Uxbridge Road. The trees on the verge have been trimmed by the Council and as such more light and noise penetrates our house than ever before. The new signage will be constantly emitting digital images all night that will potentially disturb our rest and turn the road into a mini-Blackpool. These types of advertising boards distract drivers and have the potential to cause accidents.

5 **Reason for Delay**

5.1 Committee cycle.

6 **Relevant Planning Policy, Guidance and Legislation**

6.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements Regulations 2007 (as amended)).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies, DM6, DM9, DM13

6.4 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Advert Regulations

7.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended). This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

7.1.2 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

7.1.3 The National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

7.2 Impact on Local Amenity.

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 The proposed digital board would be read in the context of the existing petrol filling station where there is existing signage present, as well as the existing sizeable canopy, shop and other ancillary facilities. Likewise, there is a variety of signage present along Moneyhill Shopping Parade including both illuminated and non-illuminated signs. Consequently, it is not considered that it would appear as an incongruous addition to the streetscene. It is noted that the proposed digital board would be set back from the Uxbridge Road frontage and angled to face towards the petrol station. In addition, it would also be located immediately adjacent to an existing two storey building which would also mitigate its visual impact.

7.2.3 It is acknowledged that the display board would be electronic and therefore would represent a more contemporary form of advertisement. However, the agent has specified that there

would be no moving images, animation, video or full motion images displayed. A condition (in accordance with the model conditions in the Institute of Lighting Professionals 5 'The Brightness of Illuminated Advertisements including Digital Displays, PLG05/23) shall be added as suggested by the applicant to ensure that this would be the case.

7.2.4 In summary, given the site circumstances and the siting of the digital board, it is not considered that it would have an adverse impact on the visual amenities of the streetscene in accordance with Policies CP1 and CP12 of the Core Strategy.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. In addition, Policy DM9 of the Development Management Policies LDD sets out that '*the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained*'.

7.3.2 There would be no impact on the adjacent neighbouring property to the west, as the electronic display board itself would be positioned facing towards the petrol station. As such, the siting and positioning of the board would minimise harm to this neighbour.

7.3.3 It is noted that an objection has been received from a neighbouring dwelling located opposite the site raising concerns that the digital board would display images at all times of the day and night and would therefore impact on their residential amenity. In response, the proposed signage would be set back from the Uxbridge Road signage and the digital display itself would not be excessive in size. In addition, it would not immediately front the neighbours opposite the site and would be angled such that it would face into the Petrol Station. Whilst it is proposed that the board would operate over a 24- hour period, the level of illumination can be conditioned such that it would not exceed the levels as set out within ILP guidance which would therefore prevent any harm to residential amenity. There would also be no moving images, animation, video or full motion images displayed. The Environmental Health Officer has been consulted and has raised no objection to the proposal subject to a condition controlling the level of illumination.

7.3.4 In summary, whilst the concerns are acknowledged, given the site circumstances and the development proposed, it is considered that the development would be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.4 Highways, Access and Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The proposed signage would have no impact on the existing access arrangements or existing off street car parking provision on site.

7.4.3 Herts Highways have also been consulted and have raised no objection to the current application. It is however, noted that an objection has been received which have raised concerns regarding a digital board being a distraction to drivers. This issue has been raised with the Highways Officer who has advised that as long as the level of brightness is provided in accordance with the ILP Guidance" then it is considered that there would not be a concern

in respect to distraction to highway users. A condition has been suggested by the Highways Officer in order to control the level of illumination.

7.4.4 Furthermore, whilst the board would be digital, the applicant has specified that there would be no moving images, animation, video or full motion images displayed. In addition, the minimum display time for each advertisement will be 10 seconds, and the changeover between adverts will be instantaneous, without swiping, fading or effects, to ensure that any potential distraction of drivers will be minimised. The applicant has suggested a number of conditions in line with the model conditions outlined by the Institute of Lighting Professionals to ensure this would be the case. In addition, a condition shall be added to require that no images shall be used which would resemble official road traffic signs, traffic lights or traffic matrix signs.

7.4.5 In summary, the proposed development would not impact on the safety and operation of the adjoining highway. The development would be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.5.3 Whilst the proposed development would result in the provision of a digital board, given the location of the development within a built up area, and where other forms of illumination are visible, it is not considered that the development would result in harm to any protected species.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.

7.6.2 No significant trees or areas of landscaping would be adversely impacted by the development.

8 **Recommendation**

8.1 That advertisement consent shall BE GRANTED subject to the following conditions:

C1 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.

2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3] No advertisement shall be sited or displayed so as to;

(a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C2 There shall be no moving images, animation, video or full motion images displayed.

Reason: In the interests of visual and residential amenity in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C3 No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Reason: In order to protect the safety of the highway in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C4 In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

Reason: In the interests of amenity, residential amenity and public safety in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C5 In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

Reason: In the interests of visual and residential amenity and public safety in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

Reason: In the interests of amenity and public safety in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C7 The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of a malfunction or if the advertisement is not in use.

Reason: In the interests of amenity and public safety in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

9 Informative

- I1 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.