



**WILDSTONE
PLANNING**

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19th May 2017

// Local Plan Representations – Policy DC9

Dear Sir/Madam

I am writing to provide our final written statement with regards to the comments we submitted on 16th February 2015 specifically regarding Policy DC9 of the Draft Local Plan (Appendix 1).

We have reviewed the Council's response to our comments and do not consider it to be adequate to ensure that the plan meets its stated aims.

The Inspector has asked the question *"Is DC9 (Advertisements) necessary, justified and will it be effective?"*

The answers we would give are yes, the policy is necessary, yes it is justified, but no it will not be effective in its current form. This is largely because it is negatively worded and does not go far enough to provide positive advice over acceptable forms of advertisement development.

Is the Policy Necessary?

In 2014 Government Circular 03/2007 was cancelled and all guidance relating to the interpretation of amenity and public safety was passed to the National Planning Practice Guidance (NPPG). The NPPG now provides a degree of guidance over what locations are acceptable for advertising, but does not provide a great deal of detail over what types of advertisements are acceptable and how advertisement development should be managed. This leaves a great deal of scope for local authorities to introduce their own interpretation within the confines of the Advertisement Regulations and NPPF which accept that all advertising is acceptable in principle subject to assessment over amenity and public safety. Policy DC9 offers the opportunity for the Council to better manage advertisement development in the borough and is therefore necessary.

Is the Policy Justified?

As set out above, there is limited guidance in relation to the management of advertising. Amenity is an entirely subjective measure which leaves a lot of room for interpretation. To a lesser degree the same could be said about public safety given that there are many different interpretations of what would constitute a dangerous distraction. The policy is justified in these

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terms as it offers the Local Authority an opportunity to set parameters.

Will the Policy be effective?

The representations made by Wildstone Planning in February 2015 were entirely constructive and sought to strengthen the Council's position in resisting inappropriate advertisement development whilst giving developers a greater steer over what might be acceptable in what location, in order to reduce the number of speculative applications and provide greater certainty. The Council has largely ignored the recommendations in their response and as such we have appended them to this letter once again for final consideration by the Inspector.

The one minor wording change to paragraph 2 of the policy serves only to cloud the matter further with respect to ground floor advertisements. At present this policy could be used to resist any billboard in the Borough as they would invariably be located above ground floor level. The wording should make it clear that this relates to shop front and business advertising and that it relates to signage above the ground floor fascia level.

If it is the Council's intention to capture the development of billboards within this policy this would all but represent a moratorium on this form of development. It is not currently known whether this is the intention or an unintended consequence.

It is considered that the policy in its current form is unsound, as it lacks detail, is open to subjective decision making and does not go far enough to positively encourage sustainable development of large format advertising or to adequately steer decision making on advertisement applications. We refer back to our previous letter of 16th February 2015 (Appendix 1).

Kind Regards



Philip Allard

Director

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// Appendix 1





**WILDSTONE
PLANNING**

Development Plans Team
LB Hammersmith & Fulham
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16th February 2015

// Local Plan Representations – Policy DC9

Dear Sir/Madam

We have been instructed to make representations on Borough-wide Policy DC9 of the Draft Local Plan.

It is considered that the policy in its current form is unsound, as it lacks detail, is open to subjective decision making and does not go far enough to positively encourage sustainable development of large format advertising or to adequately steer decision making on advertisement applications.

Positively Prepared

The policy as worded is too subjective and does not provide a clear and precise policy against which proposals for advertising can be judged. We would expect that Hammersmith & Fulham would positively plan for this form of development given the pressure for it. There have been a number applications and appeals over the last few years, which have established a clear development control framework within the Borough which should be reflected in Policy DC9.

Justified

The broad approach of focusing advertising in appropriate locations is justified and is in accordance with National Planning Policy Framework (NPPF) and legislation, but there is little guidance on where these locations should be. What guidance there is negatively worded and inconsistent with National Policy and Guidance (NPPG).

In order to be justified, the policy needs to be based upon a sound evidence base. As it stands, the evidence base to support the policy approach is the Advertisement Regulations 2007, the NPPF and NPPG. The NPPG provides guidance on assessing amenity as follows:

"In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site." (Paragraph 79)

This advice should be reflected within the Council's policy, with additional guidance on which areas can accommodate larger format advertising and what specific circumstances would lead to a refusal. There is no alternative evidence base presented by the Council, which could justify a stricter approach to large format advertising than that which is set out above.

Effective

The policy will not be effective or deliverable unless it is clear how it will be applied. It is accepted that officer's professional judgment and in some cases the judgment of the planning committee will be required to assess individual applications. However, without a clear steer as to what constitutes 'severe harm' or how applicants should demonstrate that an advert is appropriate, there will be inconsistency in the application of the policy.

In addition, in order to create an effective policy which supports the approach the Council wishes to take, there needs to be a recognition that the wider benefits of a proposal are capable of outweighing less substantial harm. In terms of the impacts on Conservation Areas or other Heritage Assets, this approach is supported in the NPPF at paragraph 134. This approach can and should be extended where there are clear social, economic or environmental benefits which outweigh less significant amenity impacts. This would be supportive of the Council's overall approach set out in the opening paragraph of the policy and would be consistent with national policy which simply requires LPA's to weigh up the amenity impacts of a proposal. Where necessary s106 could be used to secure wider benefits provided the relevant tests are met.

Proposed Amendments to Policy

Proposed amendments to the wording of the policy are needed and these are outlined below.

The policy should be changed to a criteria based format in order to make development control decisions less subjective. For clarity, it should be split in to sub-policies relating to different aspects of advertising (i.e. hoardings, shrouds etc).

High Standard of Design of Advertisements.

The policy should relate to both the advert and its supporting structure. This is particularly important when adverts are placed in the public realm. In its current form, the policy implies but is not explicit whether this is the case.

Height of Advertisements

Large format advertisements generally need to be located above ground floor level in order to be commercially viable. Whether an advert is or is not acceptable above ground floor level will need to be judged on a case by case basis. Effectively imposing a ban on such advertising is unduly restrictive and does not take account of individual site circumstances.

Hoardings/Digital Advertisements

The policy should be positively worded to identify appropriate locations for large format advertising such as town centre and major arterial routes. This would be consistent with the Council's informal development control practice, which has sought to direct large format advertising to these locations. This approach has been used both in determining applications and in evidence in appeals. This informal development control application should be formalised in Policy DC9.

The policy is negatively worded and effectively seeks to impose a moratorium on large format advertising within conservation areas and adjacent to heritage assets. As stated above, this is inconsistent with the NPPG as it fails to acknowledge the varied character of conservation areas (ie some are commercial in their character and therefore suitable for advertising) and heritage assets (ie the character of listed buildings can be commercial) within the Borough. The acceptability of this approach is demonstrated by the Council's decisions over the last few years where large format and digital advertising has been granted in conservation areas and adjacent to listed buildings within town centres.

The policy should be amended to acknowledge that advertising can assist with the viability of schemes that otherwise might not be viable (e.g. funding of heritage works to St Paul's Church, Hammersmith). At present this is not referred to in the policy which is an omission.

Advertisement Shrouds

The advertisement shroud policy states that shrouds will only be permitted in tightly defined circumstances but then fails to clearly or tightly define what those circumstances are. This creates uncertainty and needs to be addressed by turning the policy into a criteria based policy as follows:

- // Advertisement shrouds will only be permissible when associated with building works. The policy should require applicants to demonstrate that works are taking place.
- // The shroud advertisement should only be erected for the duration of the works to be undertaken unless material considerations necessitate a longer period.
- // The area of the shroud advertisement should be commensurate to the scale of the scaffolding/building but in most cases should not exceed 40% of the area covered by scaffolding.
- // Any shroud advertisement should be accompanied by 1:1 image of the proposed or existing building.
- // Illumination should be acceptable subject to it being controlled to an appropriate level in line with the Institute of Lighting Professionals guidance.

The policy needs to be significantly redrafted in order to provide a clear and positive policy

framework, which can be easily and consistently interpreted by both officers, members and applicants. As drafted it is considered that the policy is unsound.

I trust that the above is clear and I look forward to receiving confirmation of the receipt of the representations.

Kind Regards

A handwritten signature in black ink, appearing to read 'P Allard', with a stylized, cursive script.

Philip Allard

Director

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