



HILLINGDON
LONDON

Local Plan Part 2

Proposed Main Modifications Representation Form

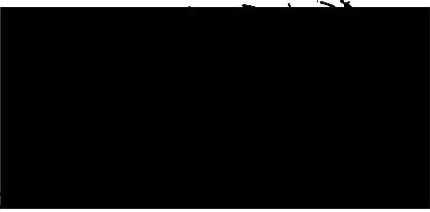



Representations are invited on the following documents:

- **Local Plan Part 2 Schedule of Proposed Main Modifications**
- **Further Addendum to the Sustainability Appraisal for the Local Plan Part 2**

See end of document for details on how to submit this form.

All forms must be submitted by **5:00 pm on Wednesday 8 May 2019**

PART A - Personal Details

Your Details	Your Agent's Details (if applicable)
Title: Mr / Mrs / Miss / Ms / Dr / Other:	Title: Mr / Mrs / Miss / Ms / Dr / Other: MR
Surname:	Surname: THOMAS
Forename:	Forename: CHRIS
Organisation/Company: BRITISH SIGN & GRAPHICS ASSOCIATION	Organisation/Company:
Address:	Address: 
Postcode: <i>AGENT</i>	Postcode: 
Contact No. <i>AGENT</i>	Contact No: 
Email: <i>AGENT</i>	Email: 

PART B - Your representation.

Please use a separate sheet for each representation

Name or Organisation:

Q1. Which document are you making a representation on?

- Local Plan Part 2 Schedule of Proposed Main Modifications
- Further Addendum to the Sustainability Appraisal

Q2. To which Main Modification does this representation relate?

MM 11

Please specify which part of the Main Modification you are referring to: Policy Wording, Paragraph, Table or Figure / Map you are referring to:

ALL

Q3. Do you consider the Main Modifications are:

Legally Compliant?

- Yes No

Sound?

- Yes Yes, with minor changes No

Q4. If you consider the Main Modifications are unsound, is it because they are not:

- Positively Prepared?
- Justified?
- Effective?
- Consistent with National Policy?
- UNLAWFUL

Q5. Please give details of why you consider the Main Modifications are not legally compliant or are unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Main Modifications, please also use this box to set out your representation.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and suggested changes.

See attached statement

Q6. Please set out what change(s) you consider necessary to make the Main Modifications (and so the Plan) legally compliant or sound, having regard to the test you have identified at Q4 above where this relates to soundness. You will need to say why this change will make the Main Modifications (and so the Plan) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

see attached statement

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[Empty rectangular box]

[Large empty rectangular box]

Name:

[Redacted name box]

Date:

3/14/11

Would you like to be updated of future stages of the Plan process?

Please indicate which stage(s) of the Plan that you would like to be informed of:

- The publication of the recommendations of the person appointed to carry out the independent examination of the Plan
- The adoption of the Local Plan Part 2

Please note that copies of representations will be made available on request for inspection at the councils' offices and cannot be treated as confidential, however personal addresses and signatures will be removed from public copies.

Submitting your representation

Please return this form:

By email: localplan@hillingdon.gov.uk

By post: Planning Policy Team, 3N/02, Residents Services, Civic Centre, High Street, Uxbridge, UB8 1UW.

**All forms must be submitted by 5:00 pm on
Wednesday 8 May 2019.**

Thank you for taking the time to complete and return this representation form.
Please keep a copy for future reference.

**HILLINGON LBC – LOCAL PLAN PART 2
SCHEDULES OF INSPECTOR’S PROPOSED MAIN MODIFICATIONS AND
COUNCIL’S MINOR MODIFICATIONS**

**SUBMISSION POLICIES DMHB 12 AND 13 AND APPENDIX B
PROPOSED MAIN MODIFICATION MM11
PROPOSED MINOR MODIFICATIONS DM30 AND DM31**

Our earlier representations (letter of 30 October 2015) and statement to the Inquiry remain relevant as the background to the following comments. We are aware that the Minor Modifications are not open for comment. Our comment on DM30 is necessary because, as proposed, it does not make sense. The word “enhance” must be inserted between “and/or” and “the character”.

The proposed Main Modifications do much to meet our fundamental objections. The rearrangement of the text and policies in MM11 is welcome (although the problems remain with Appendix B); but the text of both the proposed new policy and supporting text remains in part incorrect and unsound, and in part unlawful.

In the proposed supporting text to new Policy DMHB 13A, in the second sentence of the proposed second new paragraph, reference is made to Policy DMHB12 criterion (C). But, according to the preamble in MM1, this part of Policy DMHB12 is to be deleted! This sentence should be deleted without detracting from the effectiveness of the new policy.

In the new policy to be inserted after DMHB 13A, we are content that most of the proposed criteria are consistent with the law and Government guidance on advertisement control. But we consider that the following should be addressed:

DMHB 13A (A)(iii) the words “preserve or” should be inserted before “enhance”, to be consistent with the statutory wording in section 16 (listed buildings) and section 72 (conservation areas) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as confirmed in the well-known South Lakeland judgement, “preserve” is a very important part of the law in this respect).

DMHB 13A (B) the limitation of signs effectively (or generally) to the fascia area only is contrary to the Regulations which require all proposals to be considered on individual merit. There may well be many shop front signs which are not on the fascia area but are nevertheless acceptable in terms of visual amenity. There is no reason to require shopfront signs to be restricted to the fascia area. Whatever or wherever a sign is proposed, it will still have to be considered on individual planning

merit. And the proposed limitation to one projecting sign is again unnecessary and contrary to the Regulations. What about very long shop frontages (such as Department stores or retail warehouses) or corner or "through" shops which have more than one shop "frontage"? Further, and as we have previously pointed out, the suggestion that any shopfront advertisement should contain the shop name only is contrary to the stipulation in Regulation 3(4) which states:

"Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed."

To restrict content by general prohibition is not permitted by the Regulations. What is acceptable in terms of visual amenity and public safety must be determined in the individual circumstances of each particular site. As presently proposed, a sign such as "Smith Newsagent est 1899", or "Smith Newsagent prop. G Smith", or "Smith Newsagent – by Royal Warrant" etc etc would be "resisted". This is ridiculous and an unnecessary restriction on trade. We consider that the proposed DMHB 13(B) is unlawful and unsound and should be entirely deleted.

DMHB 13(C) the second sentence is again unduly restrictive and therefore contrary to the requirements of the Regulations. It is also now inconsistent with Paragraph B1.14 in Appendix B as amended by the Council's Proposed Minor Modification DM31 which states that :

"Indirect illumination is considered to be more suitable, especially in more sensitive areas".

It is not clear what is meant by "indirect" illumination; perhaps spotlights or trough lights? But this is still "direct"! Perhaps the Council mean "reflected". But "indirect" would also include certain types of internally illuminated "box lights", eg halo illumination where the actual content of the sign is not lit but is outlined by light cast onto the background. We have no objection to the proposed limitation on "flashing" illumination (albeit that this is often mounted inside shop windows and is therefore not readily controllable by local authorities). But the proposed restriction on all "internally illuminated box lights" is unlawful and unsound (and inconsistent with Appendix B1.14 as proposed to be modified and to some extent with DMHB 13A(A)(vi). We suggest that the second sentence of DMHB 13A(C) be amended to :

"Flashing lighting of advertisements will not be permitted."

Policy guidance on illumination will then fall to DMHB 13A(A)(vi) (and Appendix B) which is wholly adequate to control illuminated advertisements in the interests of amenity and public safety.

Chris Thomas
For British Sign & Graphics Association