

Delegated Report	Analysis sheet	Expiry Date:	29/01/2024
	N/A	Consultation Expiry Date:	N/A
Officer		Application Numbers	
Adele Minza		2024/5093/A	
Application Addresses		Drawing Numbers	
49 Chalk Farm Road London NW1 8AN		See decision notice	
Proposal			
Display of hand-painted murals advertisements on the Chalk Farm Road and Ferdinand Street elevations.			
Recommendation(s):	Refuse Advertisement Consent		
Application Type:	Advertisement Consent		
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice		
Informatives:			
Site Description			
<p>49 Chalk Farm Road is on a corner plot site consisting of a three-storey public house (The Camden Assembly) located at the junction of Ferdinand Street (to the east) with Chalk Farm Road (to the south). The use of the premises has varied over the years, from a public house to a workshop, an aerobics studio and cocktail bar. It is currently operating as a music venue.</p> <p>It is located within the Camden Town Centre Area. Although the application site is not in a conservation area and is not listed, it is bordered by Regents Canal Conservation area opposite and overlooks onto the Grade II* listed Stables Market to the south-east.</p>			
Relevant History			

Application Site history

2019/5307/A - Temporary display of illuminated banner to Chalk Farm Road and Ferdinand Street elevations. **Refused 27 November 2020.**

Reason for refusal:

The illuminated advertisements by virtue of their size, method of illumination, position on the building and prominent siting would, even for a temporary period, cause unacceptable harm to the character and appearance of the host building, the wider street scene, the neighbouring Regent's Canal Conservation Area, and the special interest of the listed Stables market and the area contrary to Camden Local Plan policies D1 (Design), D2 (Heritage) and D4, (Advertisement).

2016/2540/A – Temporary erection of a shroud to Chalk Farm Road and Ferdinand Street elevations from 06/07/2016 to 06/01/2017. **Refused 30 June 2016.**

Reason for refusal:

The proposed shroud, by virtue of its size, position on the building and prominent siting would, even for a temporary period, cause unacceptable harm to the character and appearance of the host building and Regent's Canal Conservation Area, and the special interest of the listed Stables market and the area contrary to Local Development Framework policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design), DP25 (Conserving Camden's Heritage) and DP26 (Managing the impact of development on occupiers and neighbours).

2003/2083/A – (refused with warning of enforcement action to be taken on 29/10/2003) – The continued display of an internally illuminated light box advertisement unit.

AEX0000519 – (refuse advert consent and prosecute on 01/08/2000) - Retention of a 48-sheet advertisement hoarding at second floor level on the west elevation.

Site Address Enforcement:

EN13/1087 - Windows boarded up to create part of advertisement hoarding – **Breach Ceased**

EN12/0593 - Pub painted red and blue - **Withdrawn**

EN12/0585 - Advertisement for Lovebox painted on pub – **Breach Ceased**

EN04/1114 - 2 x 48 sheet hoarding – **Breach Ceased**

Other relevant sites:

48 Chalk Farm Road:

2024/2888/A - Display of hand-painted advertisements (HPA) on side elevation.
Refused 05/09/2024. An appeal has been lodged against this refusal.

Reason for refusal:

The proposed hand painted advertising displays, by reason of their size, scale, design and location, would appear as intrusive overly commercial features that would harm the character and visual amenity of the street setting and locality. The displays are considered to be an unsympathetic and unacceptable form of development that would be detrimental to the special identity, character and appearance of the Camden Town streetscape, harming the amenity of the area contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.

AE9900794 - Display of an internally illuminated fascia sign with letters measuring 750mm in height on the Chalk Farm Road and Ferdinand Street frontages; painted sign at first floor level flank wall on Ferdinand Street.

Part Approve/Part Refuse - 23/11/1999. Consent granted for three fascia signs. Consent refused for wall painted sign.

Reason for refusal:

The proposed advertisement is considered to be unacceptable in that it is contrary to policy UD34 of the Borough Plan, EN64 of the Unitary Development Plan. More particularly the proposed painted flank wall sign would be detrimental to the visual amenities of the area and would detract from the architectural integrity and appearance of the building.

Other relevant sites:

226 Camden High Street:

EN19/0300 - Discontinuance Notice dated 5 November 2020

The installation of an illuminated digital advertisement on the flank wall of the property

Appeal Dismissed – 11/11/2020.

Reasons for dismissal of appeal:

The advertisement subject to the Discontinuance Notice does not positively contribute to the unique character of this part of Camden Town. On the contrary, it both distracts from and detracts from the contribution made by the eclectic mix of bespoke advertisements that form an integral part of other host properties, and which collectively make a significant contribution to the unique character of Camden Town.

2022/0963/A - Display of hand painted mural advert on brick flank wall. **Refused - 15/08/2022.**

Reasons for refusal:

The proposed advertisement, by reason of its size, scale and prominence in the streetscene, would result in an inappropriate and visually dominant addition which would cause harm to the character and appearance of the host building and streetscene, contrary to policies A1 (Managing the impacts of development), D1 (Design) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017.

Appeal Dismissed - 03/03/2023

Reasons for dismissal of appeal:

The prominent display of advertisement that would not relate to the premises to which it would be associated would not reflect the key characteristics of the local area. Whilst not determinative in reaching this conclusion, I have considered the aims of Policy A1 of the Camden Local Plan 2017 which seeks, amongst other things to protect amenity, Policy D1 which requires development to respect local context and character, and Policy D4 which requires advertisements to preserve or enhance the character of their setting and host building.

Relevant Policies

National Planning Policy Framework 2024

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy D4 Advertisements

Camden Planning Guidance (CPG)

CPG Advertisements (March 2018)

CPG Design (January 2021)

CPG Amenity (January 2021)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Assessment

1. Proposal

1.1. Advertisement consent is sought for the display of Hand Painted Advertising ('HPA') in the form of street art murals on the two facades of the property known as 'The Car Assembly'. This will occasionally include the logo or other imagery associated with the corporate sponsor. The advertising would consist of the display of various management artworks, to include, where required, branding relating to the content of the mural, advertising products or services being offered by the business which occupies the premises, namely a bar and live music venue. The applicant states that on some occasions the mural advertisement will be restricted to one section, however that there will be occasions where the top section will also be included in the advertisement below. In addition, it is considered that any mural above is likely to be read as one mural advertisement.

- Extent of application wall (Image 1)
- Proposed extent of artwork and advertising (Image 2)
- Example of type of advertising (Image 3)



Image 1

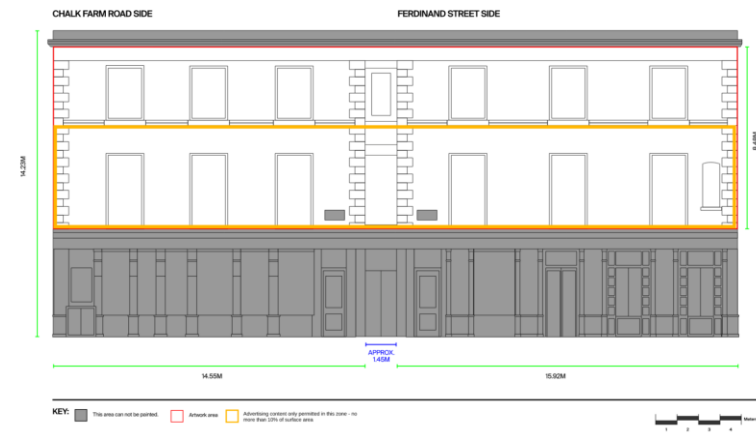


Image 2



Image 3

2. Assessment

- 2.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.
- 2.2 Therefore, the principal considerations material to the determination of this application are:
 - Visual amenity – the design and impact of the proposal on the character and appearance of the wider locality and streetscene, nearby Regent's Canal Conservation Area and the setting of any nearby listed buildings;

and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and

- Transport and public safety – the impact of the proposal on highway, pedestrian and cyclist's safety

3. Visual Amenity

3.1 Local Plan policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development respects local context and character.

3.2 Policy D4 Advertisements of the Camden Local Plan 2017 requires advertisements to respect the form, fabric, design and scale or their setting and host building and be of the highest standard of design, material and detail. The policy outlines the Council will support advertisements that preserve the character and amenity of the area. Advertisements will be resisted where they: contribute to an unsightly proliferation of signage in the area; contribute to street clutter in the public realm; cause light pollution to nearby residential properties or wildlife habitats; have flashing illuminated elements; or impact upon public safety.

3.3 Regarding listed buildings/structures and conservation areas in particular, Camden Local Plan Policy D2 (Heritage) confirms that the Council has a proactive approach to conserving designated heritage assets. Policy D2 recognises that due to the largely dense urban nature of Camden, the character or appearance of its conservation areas can also be affected by development which is outside of conservation areas, but visible from within them.

3.4 In addition, Policy D2 also states that while the setting of a listed building may be limited to its immediate surroundings, it can often extend some distance from it, and as such, the value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings. As such, Policy D2 confirms on Page 212 of the Local Plan that the Council will 'resist development that would cause harm to the significance of a listed building through an effect on its setting'.

3.5 CPG (Advertisements) states that advertisements and signs should respect the form, fabric, design and scale of the host building and setting. All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the host building the surrounding area and should alter the external fabric of the host building as little as possible.

3.6 It also states that generally advertisements will only be acceptable at fascia level or below. Advertisements above fascia level can appear visually obtrusive and unattractive and, where illuminated, they can cause light pollution to neighbouring residential properties. If an advertisement is required at high level for a specific business use then this will usually be restricted to non-illuminated images on windows.

3.7 The application states that no more than 10% of the surface area of any mural advertisement to be displayed upon the building may be given over to logos or copy associated with a mural sponsor. However there are occasions when the mural section to the top will also be included. It is proposed that the displays to be painted onto the wall would be temporary, being updated periodically, with the design and proportion of mural and advert have not been provided and it is considered likely that the whole area shown on Image 1 could be seen as an advertisement.

3.8 The building site is prominent as both elevations are clearly visible within the street scene and the junction to which it is located enables clear visual exposure to the side of the building. The Planning Inspector in the appeal at 226 Camden High Street stated there was no way of securing the content of the advertisement to be related to the products sold at the building and “for these reasons, the scale of the mural would appear out of keeping and would not positively contribute to the unique character and amenity of the local area”

3.9 The character of this part of Camden Town differs from that of Camden High Street and the southern parts of Chalk Farm Road. The immediate context of the application is absent of the painted murals and eclectic advertisement. Further south the character of Camden Town is derived from the eclectic mix of shopfronts and painted murals which are a common feature on the upper floors of the buildings along Camden High Street and Chalk Farm Road. These murals largely consist of paintings that relate to the retail use at lower floors.



3.10 Such paintings within the specific section of the highstreet contribute to the distinctive character of Camden Town and do not contain logos, recognisable lettering or other branding. However, they are paintings incidental to the ground floor use and as a result are perceived as part of the vibrant character of the area.

3.11 In respect of the current proposals of the scale and location proposed would appear as an incongruous addition which harms the character and appearance of the streetscene, the setting of the adjacent conservation area, and Grade II* listed building which are located directly opposite. The applicant purports that the advertisements would relate to the use of the premises, however, the detailed design of the advert has not been provided. The Council cannot consider the content of the advertisement just its impact in

terms of visual amenity and public safety. Nor is there any way to control this as outlined above.

3.12 Instead of being seen as part of Camden Town's strong character of street art and vibrant shops and town centre uses, the advertisements would appear as commercial and overly dominant to both the host property and wider streetscape. This would result in an overly commercial and corporate feature that would be completely unsympathetic to the character and identity of Chalk Farm Road and the wider Camden Town area. Furthermore, the application site is a prominent location and the advertisements would be highly visible in longer views down Chalk Farm Road and Ferdinand Street.

3.13 Granting consent for formal advertising on the property of the scale proposed would set an unwanted precedent that would result in a proliferation of prominent commercial and corporate advertising that would erode the unique and special character of Camden Town, thus significantly harming the visual amenity of the locality contrary to policy D1 and D4.

Residential Amenity:

3.14 Policy A1 (managing the impact of development) and Camden Planning guidance (Amenity) seek to protect the amenity of Camden's residents by only granting consent for proposals that would not harm the amenity of communities, occupiers and neighbouring residents in terms of noise and vibration levels. This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered.

3.15 The proposed advertising would be non-illuminated and would have no projection from the elevation. Therefore, they are not considered to harm the amenity of nearby occupiers.

4. Transport and Public Safety

4.1 Policy D4 states that 'Advertisements will not be considered acceptable where they impact upon public safety, including when they: obstruct or impair sight lines to road users at junctions and corners; reduce the effectiveness of a traffic sign or signal; result in glare and dazzle or distract road users; distract road users because of their unusual nature; disrupt the free flow of pedestrian movement; or endanger pedestrians forcing them to step on to the road.'

4.2 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users.

4.3 The proposed hand painted advertisements would be non-illuminated with no projection, and therefore, due to their nature would not be distracting to road and pavement users.

4.4 The proposal therefore is not considered to be harmful to either pedestrian or vehicular traffic and does not raise any public safety concerns.

5. Planning balance and public benefit

5.1 Policy A1 (Managing the impact of development) states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.

5.2 Local Plan Policies D1 and D2, consistent with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, state that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. Given the assessment as outlined above, it is considered that the proposals would result in less than substantial harm to the significance of designated heritage assets within the settings of the Grade II* listed (Stables Market) and the adjacent Regent's Canal Conservation Area.

5.3 Paragraph 208 of the NPPF states in this regard that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

5.4 The proposal is for a mural and advertisement which would not result in any public benefit which outweighs the harm to the significant of the heritage assets. While due consideration has been given to any potential public benefit arising from the proposals, the proposed development would not accord with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, and would also be contrary in this regard to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan, and as such, unacceptable in design terms.

6. Recommendations

6.1 The proposed hand painted mural advertisement, by reason of its size, scale, and prominence in the streetscene, would constitute an inappropriate and visually dominant addition, detrimental to the character and visual amenity of the host building and wider streetscene. It would also harm the setting of the adjacent Regent's Canal Conservation Area and Grade II* listed Stables Market, contrary to policies D1 (Design), D2 (Heritage) and D4 Advertisements) of the Camden Local Plan 2017.

6.2 It is recommended that advertisement consent is refused for the above reason.