

**PLANNING APPEAL STATEMENT**  
**174 CAMDEN HIGH STREET LONDON NW1**  
**GROUND OF APPEAL ON BEHALF OF KING MEDIA MANAGEMENT LIMITED**  
**SEPTEMBER 2014**

**1. Introduction**

- 1.1 This advertisement appeal has been submitted on behalf of King Media Management Limited (the Appellants), against a refusal of planning permission by the London Borough of Camden (the LPA) of planning application reference 2014/3345/A **(Documents 1-application details and 2-refusal notice)** dated 16 July 2014 for "continued display of 2 x externally illuminated PVC shrouds on Camden High Street and Bayham Street elevations of public house". The shroud apart from the two advertisements insets would contain replica façade imaging of the building underneath.  
Banner A height 7.12m x width 6.76m x depth 1.25m  
Banner B height 6m x width 10m x depth 1.25m
- 1.2 There are currently no advertisement shrouds in situ at the property. Planning consent was granted on 24 October 2013 (Camden reference 2013/5984/A) **(Document 3)** for the temporary display for a period of 8 months until 24 June 2014 for 2 externally illuminated PVC shrouds at the appeal property in the same locations as this appeal proposal.
- 1.3 Both the October 2013 permission **(Document 3)** and my client's more recent refused application to continue the display (subject to this appeal) **(Documents 1 and 2)** relate to shrouding of the property during a period of refurbishment/renovation works taking place to the elevations of the property. The appeal proposal simply sought renewal of the original temporary consent (reference 2013/5984/A) in order that the works could be completed to the building.
- 1.4 The Council's refusal of the appeal proposal is not concerned with public or highway safety. In addition there are no issue of aural (noise) amenity. It is clear from the Council's reason for refusal that the only issue this appeal relates to is the issue of visual amenity.
- 1.5 The Appellant fully discussed their proposal in respect of application 2013/5984A granted permission **(Document 3)** and negotiation had resulted in the Council being satisfied with external illumination, subject to a condition that the advertisement not be illuminated between 22.00 and 07.00 hours on any day.
- 1.6 The same planning policy considerations applied to both the granted temporary consent (reference 2013/5984/A) **(Document 3)** and the appeal proposal.
- 1.7 It is difficult to understand the reasons for refusal by Camden Council of the appeal proposal for a further 12 month temporary period for the reasons set out in this statement.

**2. Planning History**

- 2.1 2013/5984/A temporary display (8 months) of 2 x externally illuminated PVC shrouds on Camden High Street and Bayham Street elevations granted **(Document 3)**.
- 2.2 Reference 2011/1728/A display of an advertisement shroud at the appeal premises on scaffolding from first to second floor on west elevation for temporary period from July 2001 to July 2012 granted consent **(Document 4)**.

### 2.3 Neighbouring sites

- 2.3.1 2013/4580/A temporary display of an externally illuminated advertising banner incorporating a coloured 1 x 1 replica image to front elevation of pub for a duration of 8 months at number 2 Kentish Town Road granted 24 September 2014 **(Document 6)**.
  - 2.3.2 Reference 2014/1002/A at Oxford Arms Public House display of temporary non-illuminated scaffold shroud advertisement granted 14 April 2014 **(Document 5)**
  - 2.3.3 Appeal reference APP/X5210/H/10/2139181 at 187 Camden High Street continued display of an illuminated hoarding (12m x 8m) on scaffolding on the Parkway elevation of 187 Camden High Street in accordance with consent reference 2008/4116/A granted on appeal by decision dated 30 March 2009 (granted on appeal dated 10 February 2011) **(Document 7)**.
- 2.4 Camden has previously granted consents for advertisement shrouds at both the appeal property and other properties within the Camden High Street location.

### 3. **Site Location and Description**

- 3.1 The appeal building comprises the upper parts of the entire block, which contains the Worlds End pub. The proposed banners are to be placed on the facades of the Camden High Street and Bayham Street elevation. The building is within the central High Street area of Camden town, located adjacent to Camden High Street, Bayham Road, Camden Road and Greenland Road.
- 3.2 The character of the area is commercial. The property is situated within a prominent shopping, nightlife and tourist location. The site is also located in close proximity to the bustling part of Camden High Street and Camden Town underground station. The street scene in this immediate area is characterised by shops and other commercial enterprises. With such a mix of uses and being in this central Camden High Street location the area is busy both during the day and in the evenings, with the public house itself attracting patrons during the day and evenings.
- 3.3 The location of the appeal property is clearly part of this bustling built street scene where there is an array of advertisements facades and signage for premises. In addition as demonstrated from the planning history above it is not unusual in the street context for advertisement shrouds to be in situ in this locality covering works taking place to facades of buildings.

### 4. **Scheme Proposals**

- 4.1 The Appellant is working closely with Glendola Leisure Limited (the landowner), who urgently needs to refurbish, carry out maintenance and prevent the external elevations of the building from falling into any further state of disrepair.
- 4.2 Under the temporary consent 2013/5984/A **(Document 3)** these works had been commenced, and the appeal proposal simply sought additional time that was required to finish the works. Glendola Leisure have an agreement with King Media Limited to sell advertising on the shroud in order to cover, in part, the costs of the works required to refurbish the building.
- 4.3 These works were detailed in the works schedule and plan attached to the appeal application when submitted to the Council **(Document 1)**. It is regrettable that the works could not be completed within the timescales of the earlier permitted temporary consent. The schedule of works has suffered delays and setbacks including the need for more extensive works that only emerged once repairs to the elevations were underway. Adverse weather at the end of 2013 and the start of 2014 also hampered

initial progress. Matters worsened when the principle contractor went into liquidation (**Document 11**). Since March this year the works have been ongoing but progress has slowed virtually to a halt following the removal of the scaffold shrouds at the end of June when the temporary permitted consent (**Document 3**) expired.

- 4.4 The required refurbishment and maintenance works to the building are expensive and essential to prevent further dilapidation. These works to the building are necessary and will bring about much needed improvement to the appeal site and the surrounding area. The Appellant works closely with the land owners/landlords to achieve these aims. A schedule, condition report and programme of works detailing the plans for improving the elevations of the building was submitted in support of this appeal application to Camden (**Document 1**).
- 4.5 There are specific, needed works required to various aspects of the building including but not limited to the roof, masonry, doors, windows, timber work and pointing. Glendola Leisure Limited have confirmed to the Appellant that it is their intention that income derived from the display of the advertisement will be put towards the cost of the works required to the building. It is not unusual for revenue derived from advertising to contribute to works to the host building. Often the revenue generated is a solution that enables landowners to renovate refurbishment and maintain their property, something without the revenue they would not necessarily be able to achieve.
- 4.6 Along with the refurbishment works the façades of the building will be cleaned during the project prior to removal of the shroud scaffold. This will create an improved presence of the building in the street scene.
- 4.7 The scaffold safety screen is in any event a health and safety requirement while the works are carried out to the building. The screening prevents debris falling and also protects the façade of the building while works are being undertaken. Due to the close proximity of the streets on all sides of this appeal property a safety screen to protect the public and those working on the building is necessary.
- 4.8 It is proposed to illuminate the screen as previously approved by the Council (**Document 3**) by the use of lighting units positioned at 3m and intermediate centres above the advertisement display. The Council accepted on this approved scheme illumination subject to a condition restricting hours.
- 4.9 The luminaries are specifically designed projector types, which can aim very precisely. They are designed and positioned to focus at the advert inset panel and not over the surrounding area of the shroud. This reduces any potential for light spill/glare and sky glow. The style and orientation of the luminaries comply with the Institution of Lighting Engineers Guidance Note for the reduction of intrusive light. The illumination will not be intermittent and will not exceed 400cd/m<sup>2</sup>. Details of the lighting arrangements were provided with both the approved temporary permission and the appeal refused scheme. The advertisement display will vary in colour and content however it will consist of simple graphics limited to photography, complying with the standards of the regulations laid down by the Code of Advertisers' Practice by the Advertising Standards Authority.
- 4.10 The safety screen/shroud would be of a high quality, constructed from mesh PVC and would be maintained to a very high standard, containing a replica façade of the building underneath. The form of the PVC mesh allows for both light and air circulation within the building being shrouded. Glendola Leisure Limited has informed the applicant they are satisfied the shroud meets their operational requirements for use of the building. The materials used for the shroud are capable of being recycled once it is

removed. The appearance and maintenance of this type of shroud to a high standard is of significant amenity benefit.

- 4.11 If the Appellant is no longer involved in the project for renovation of the building with Glendola Leisure, in the event that the owner did shroud the type of shrouding constructed would no doubt be of a typical builder's plastic sheeting style. This type of screening normally becomes ragged and tatty fairly quickly and is not usually that well maintained. This type of shroud in situ temporarily has a detrimental impact on the visual amenity of the area. The type of builders' shroud described could be constructed at the property without the need for any planning consent.

## **5. Planning Policy**

### **National Policy**

- 5.1 The NPPF (the Framework) policy aims to achieve sustainable development and positive improvement to the built environment. Paragraph 67 states *"only advertisements which clearly have an appreciable (considerable) impact on a building or their surroundings should be subject to local planning authority detailed assessment"*.
- 5.2 The government published on 6 March 2014 the Planning Practice Guidance to support the Framework. The two issues for consideration in respect of express advertisement consent remain as contained in the earlier Circular guidance, impact on amenity and impact on public safety.
- 5.3 The former Circular 03/2007 at paragraph 5.4 predating the Planning Practice Guidance specifically to shrouds and large wrap advertisements stated *"that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting round them may be potential temporary sites for shroud advertisements or large wrap advertisements covering the face, or most of the face, of the building."*
- 5.4 The national policy guidance (Camden have not referenced on the refusal notice **(Document 2)** as a matter they have considered) and Camden's own LDF Core Strategy and Development Plan Policies do not prohibit shroud advertisements of the type proposed in this appeal.
- 5.5 Camdens Planning Guidance 2001 (as amended) at paragraph 8.20 states that *"shrouds can help to shield unsightly construction work"*. Paragraph 8.21 explains that *"shroud advertisements of these types will only be considered acceptable primarily in commercial areas and anywhere they screen buildings under construction alteration or refurbishment"*. The appeal property is in a commercial area where the building needs to be screened to allow works to take place to the buildings facades.
- 5.6 Council's policies should not been decisive in themselves to the outcome of this appeal. All material considerations need to be taken account of.

## **6. Grounds of Appeal**

- 6.1 The Appellant contends the shroud advertisement appeal proposal is acceptable on planning amenity terms. The Council also held this view re the earlier identical scheme approved **(Document 3)**. It is considered that the appeal proposal is not contrary to the Framework or Camden's planning policies or guidance.
- 6.2 More particularly the Appellant contends that the appeal proposal is not harmful to visual amenity of the area. It is accepted that the shroud is in a prominent location but this in itself does not mean a further temporary period of consent for a few months to complete refurbishment works to the building is unacceptable in planning terms. In

such a busy urban central location, the proposal would provide an aesthetically acceptable, albeit temporary addition to the street scene. The street context and layout of the area and the host building will remain very clear to see. Viewed in this busy urban street context and environment the shroud will clearly be seen as temporary screening during building works and is not duly intrusive within the surroundings. The shroud with one to one imaging and advertisement insets is not poorly related to the character and appearance and design of the host building.

- 6.3 The location has been described in detail at paragraph 3 above and it is the Appellant's firm view that the proposal is not out of keeping with the character and appearance of this part of the Conservation Area. This locality itself as confirmed by the Council is in a bustling commercial part of the High Street characterised by shops and other commercial uses with a variety of signage/displays and advertisement in the vicinity of the appeal premises. The appeal shrouds provide a façade imaging of the building underneath ensuring the host building retains its visual context within its street location during the period of the works.
- 6.4 In this area of Camden and at the appeal property the Council have given numerous consents for similar shroud advertisements (please refer to the planning history section above). The Council decision making to refuse the appeal scheme does appear to be inconsistent to Camden Councils other recent decisions (as listed under Section 2 above). The refusal of the appeal scheme has been determined within the Council's planning enforcement team, not the development management section of the Council Planning Service.
- 6.5 From the information reviewed via the Council's website and the decision notice refusing the appeal proposal the Council have not considered fully the detailed information and material that was submitted as part of the appeal application for their consideration including the schedule of works, reasons for delays in works being completed in accordance with the original timetable and the information that some of the revenue generated received by the land owner will be put towards the renovation works. The Council incorrectly have not considered this revenue matter as relevant to its decision making in refusal, when clearly it is a material consideration. The enforcement officer states in her report evaluating/determining the appeal scheme in correctly concluded that revenue generated by the advertisement out towards repairs *"is not a consideration that the Council can consider"*.
- 6.6 The London Borough of Hammersmith and Fulham July 2013 Supplementary Planning Guidance, policy 58, paragraph 4.304 is an example of the relevancy of this revenue issue. This Council's guidance states *"revenue derived from the advertising directly contributed to the refurbishment or restoration of the historic building to which the shrouds were attached. This paragraph concludes "In this context, well sited signs of suitable size and design would normally be permissible."* The attached article **(Document 12)** also indicates that Camden Council in respect of its own public buildings as land owner are currently considering advertising revenue generation from allowing digital advertising on public buildings within the borough. There is nothing in the legal planning law framework, national policy or indeed the Council's own policy that allows the Council to dismissing this consideration, nor is it a consideration contrary to policy or guidance.

## **7. Planning Condition**

- 7.1 The Appellant has no objection to the imposition of the standard advertisement consent conditions required to be imposed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7.2 In addition the Appellant has no objections to a time limited condition of 12 months from the date of the decision and for a condition restricted the hours of illumination as previously imposed between 22:00 and 07:00 hours on any day (condition 8 of planning permission reference 2013/5984/A (**Document 3**)).

## **8. Conclusion and Summary**

- 8.1 The Appellant contends that the advertisement shroud proposal is acceptable on highway, public safety and planning amenity terms. It is further submitted that the application is not contrary to the Framework or Camden Council's relevant planning policies.
- 8.2 In such a busy urban central location, the proposal would provide an aesthetically acceptable, albeit temporary addition to the street scene. The street context and layout of the area and the host building will remain very clear to see. Viewed in this busy urban street context and environment the shroud will clearly be seen as temporary screening during building works and is not duly intrusive within the surroundings. The Appellant contends that the appeal proposal is not harmful to visual amenity and does not result in an overly dominant addition harmful building, street scene or the Conservation Area. Nor does the Appellant consider that the shroud poorly relates to the character appearance and design of the host building.
- 8.3 The proposal shortens the building works programme and importantly will result in the long term benefit and preservation of the building that will enhance the building appearance within the Conservation Area and street scene.
- 8.4 Importantly the principle of a temporary shroud facilitating works to the building has been previously accepted by the Council who evaluated the earlier approved scheme in accordance with the same policy considerations following detailed discussions with the appellant. It is therefore difficult to understand the contradictory change of stance of the Council to the appeal proposal simply asking for an extension of time to complete the works to the building.
- 8.5 In conclusion the Appellant respectfully submits that the Secretary of State (Inspector) should allow the appeal and grant planning permission for this proposal.

**Brecher Solicitors**

**8/9/14**

**APPEAL STATEMENT LIST OF ACCOMPANYING DOCUMENTS**  
**174 CAMDEN HIGH STREET LONDON NW1**  
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**SEPTEMBER 2014**

1. Complete set of planning application form and accompanying documents reference 2014/3345/A
2. Decision notice refusal reference 2014/3345/A dated 16 July 2014
3. Decision notice approval reference 2013/5984/A dated 24 October 2013
4. Decision notice reference 2011/1728/A grant dated 28 June 2011 174 Camden High Street
5. Decision notice reference 2014/1002/A dated 14 April 2014 Oxford Arms Public House 265 Camden High Street
6. Appeal decision reference APP/X5210/H10/2139181 dated 9 February 2011 grant at 187 Camden High Street
7. Camden Councils Planning Guidance 2011 extract of relevant paragraph on shroud banner advertisements.
8. Planning guidance supplementary planning document July 2013 London Borough of Hammersmith and Fulham design policy 58, paragraph 4.304
9. *Blank(No Document)*
10. Contractors liquidation letter dated 18/12/13
11. Document Ham and High Web Site Article 4/914