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Our Ref: 2014/6692/A
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The Planning Inspectorate
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Dear Fiona Dunn,

Appeals by Insite Poster Properties
Site at flank elevation of New College Court, 13 Finchley Road, London
NW3 5EX

The Council's case is largely set out in the officer's delegated report dated 15th December 2015, which details the site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1.0 Summary

1.1 Reason for refusing planning permission

"The internally illuminated advertisement would by reason of its size, inappropriate design, prominent location between the 4th and 6th floor and method of illumination harm the character and appearance of the host building and streetscene contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of Camden's Local Development

Framework Core Strategy 2010, as well as Policy DP24 (Securing High Quality Design) Camden's Local Development Framework Policies 2010.”

2.0 Development Plan Policies

2.1 The Development Plan' for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 will be The Camden Core Strategy and Camden Development Policies of the Local Development Framework. The relevant LDF policies as they relate to the reason for refusal are listed below:

Core strategy:

CS14 - Promoting high quality places and conserving our heritage

Development Policies:

DP24 - Securing high quality design

These policies were adopted following a full consultation exercise in November 2010. The policies are recent, up to date and in accordance with para. 214-216 of the NPPF.

Camden Supplementary Guidance

CPG 1 (design), chapter 8 (Advertisements, signs & hoardings)

This document was adopted in August 2013 following a full consultation exercise.

3.0 Background Information

3.1. Camden Council is currently running a hoarding removal initiative throughout the borough. It is focusing its efforts initially on removing hoarding on 1. Major routes and 2. Hoardings located within conservation areas. The hoarding in question falls into the first category hoardings located on a major route. The Council is seeking to ensure that the design and siting of advertisement positively

contributes to the appearance of the area. All adverts affect the appearance of the building and where they are displayed should respect the buildings.

3.2. This initiative follows on from the highly successful hoarding initiative carried out between 2005 and 2006 where the Council served a number of discontinuance notices of which 24 out of 25 notices were dismissed at appeal Typical examples include;

- 175 Kentish Town Road
- 35 York Way
- York Way, Kings Cross Station
- 84 Delaney Street

3.3. It also should be noted that in the past 2 years the Council have secured a number of 48 sheets of hoardings were removed via the service of Section 10 and 11 notices and discontinuance notices. Typical examples include;

- 166 Royal College Street (Section 10 and 11)
- 292 Grays Inn Road (Section 10 and 11)
- 3 Millbrook Place (Section 10 and 11)
- 129 Whitfield Street (Discontinuance)
- 33 South End Road (Discontinuance)
- 243 Grays Inn road (Section 10 and 11)
- Land adjacent to 135 Finchley Road (advert application)
- Kilburn Bridge (Advert application)
- 279 Finchley Road (Discontinuance)
- Golden Lion (Discontinuance Notice)
- West Hampstead Bridge (Discontinuance)

3.4. What these examples show is that Camden is and has been proactively tackling large hoardings which are considered to be visual clutter and

have no respect for the host buildings or the wider character and appearance of the conservation area or surrounding area.

- 3.5. The Discontinuance Notice at New College Court, Finchley Road, London NW3 5EX dated 01 March 2013 is relevant background information. In the planning inspectors decision it was mentioned that the discontinuance notice is aimed at the site and the notice is considered not in regards to planning guidance and policies on advertisement, signs and hoardings, none of which refers to Discontinuance Notice. The notice was solely assessed as to whether the appeal wall causes a substantial injury to the amenity.
- 3.6. The Planning Inspector made reference to the advertisement hoarding initiative which is material to this appeal a section of which is quoted below;

“New College Court is situated on Finchley Road, a busy traffic and bus route. This is one of the major routes in the borough where the Council is pro-actively targeting the removal of hoardings which are considered to cause substantial harm to amenity. In the last two years alone the Council has been successful in removing more than a dozen large hoardings in the borough including several along Finchley Road itself. Although this hoarding initiative is a material consideration”

4.0 Comments on the Appellant’s Grounds of Appeal

The Councils Consideration & Decision Notice

- 4.1 We consider it likely that the council have misdirected themselves in the consideration of this application as they appear not to have grasp the sites full history along with the nature of the existing display an how the proposal relates to it ;
- 4.2 It is accepted that the planning history of the site was not included in the report at the time of determining the advertisement consent. However, the site and surrounding area were fully assessed. The appellant missed or failed to

acknowledge the material consideration in determining the Discontinuance Notice compared to an application for Express Consent. Notably, of material consideration is the effect of the proposal on the visual amenity of the area, whilst, the Discontinuance Notice would mainly be determined as to whether the hoarding would result in substantial injury to the amenity.

4.3 The principle of a 5m wide x 7.5m high display has already been established at this location, the appellant indicate that what is being proposed will be less than half the depth of the existing;

4.4 The council is in disagreement, the sign would cover close to 40% of the flank elevation the hoarding by being half the depth would not result in the signage being less unduly dominant in its location nor result in the proposal being less visual obtrusive; consequently, the size and scale would be materially harmful to the appearance of the building.

4.5 This location is established as an advertising site, the Inspector in 13/2196672 at paras 9 & 10 reinforces this point and suggests such development can 'compliment commercial surroundings'

4.6 The Council's does not agree with this argument. As discussed in paragraph 3.5 above the main material consideration was 'whether or not the use of the site for the display of advertisement causes substantial harm to the amenity of the locality' the observation in regards to the hoarding within its current setting and the length of time that the hoarding has displayed advertisement does not supersede local and national planning policies which provides significant material consideration.

4.7 "The existing display is an internally illuminated unit, operating at 600cd/m², being in line with the Institution of Lighting Engineers (Technical Report No 5 (Third Edition)). The proposed display is also to operate at 600cd/m²; we are at a loss to understand why the Council can raise a concern in this regard"

4.8 The Council do not agree with the appellant statement. The proposed lighting maybe within the Institution of Lighting Engineers (Technical Report No 5).

However, the height, bulk and scale of the proposal combined with the lighting specification. Notably in regards to the hours of use in the winter months are of great concern.

4.9 It remains our view that the need for an application at all to this proposed upgrade is debatable; the proposal put plainly is to replace the existing 37.5m² advertising display with a modern, remotely managed 37.5m² display.

5.0 The application was submitted for express consent as such, the proposal is assessed against national and local planning policies.

5.1 Summary

5.2 Understandably, the proposal would have economic benefit to the applicant, it is also noted that some of the appellant justification for the granting of advertisement consent in the cover letter of the associated advertisement consent are listed below:

- Energy efficiency. LED use up to 70% less power than traditional lighting
- No printing, printing material disposal or broken tube wastage
- Reduction in vehicle miles and movements to operate the site
- LEDs have longer service life (typically 4 times that of traditional lighting) and
- Unlike mercury filled tubes, can be recycled at the end of their life.

5.3 All of the above would be a saving to the appellant it is very clear that in paragraphs 6-9 of the NPPF which stipulates 'sustainability' should not be interpreted narrowly, and the term is based on its environmental role. Furthermore, the Regulations require that decisions are made only in the interests of amenity and public safety. It is worth noting that paragraph 67 of the Framework confirms that these are the determining factors in advertisement appeals.

6.0 Other Matters

6.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

6.2 Without prejudice to the Council's submissions and if the Inspector is minded to grant advertisement consent, it is requested that the list of conditions attached to this letter as **Annex A** be imposed. The justification is set out beneath each condition.

6.3 If any further clarification of the appeal submissions are required please do not hesitate to contact Obote Hope on the above direct dial number or email address.

Yours sincerely

Obote Hope
Planning Officer
Planning Solutions Team

Annex A

Conditions

1. 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.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

2. 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

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

3. 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.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

5. 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: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.