

GROUNDS OF APPEAL

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

Appeal Reference:

APP/X5210/Z/15/3069996

York Way/Freight Lane

Camden

London N1C 4BE

11th June 2015

1. Introduction

This appeal is made by KDT Management Ltd. against the decision of Camden Council to refuse planning application number 2015/1572/A on 22nd May 2015.

The proposal was for the erection of one freestanding advertising display with internal illumination with associated landscaping. The advertisement will measure 3.0 metres high by 6.0 metres wide and is known as a 48-sheet format.

2. Site and Surroundings

The application site referred to as York Way/Freight Lane is a piece of redundant land, formally owned by Network Rail, adjacent to a bridge carrying the mainline railway tracks, an operational railway, over York Way.

The surroundings are industrial and commercial in character. To the immediate East of the site in Freight Lane is a Tarmac aggregates depot and to the North East in Freight Lane is Camden Transport and Motor Repair depot. To the west of the site is a large electricity substation.

York Way, from which the advertisements will be viewed, is the A5200; a well lit major arterial road connecting Camden Road at the northern end to Euston Road at the southern end.

3. The Proposal and Planning History

The recent planning history on this site is that on 23rd June 2014 the applicants submitted a planning application to Camden Council for an internally illuminated advertisement display measuring 7.5 metres high by 5.0 metres wide (37.5 square metres and known as a Mega 6 format). This application was refused by Camden Council on both amenity and road safety grounds. A subsequent appeal (ref: APP/X5210/H/14/2223406 see appendix 1) was also dismissed on 8th January 2015. The inspector concluded that the height, size and illumination of the advertisement would adversely affect the visual amenity of the neighbourhood but that the proposed advertisement would not prejudice conditions of public safety.

This proposal is to erect a smaller advertisement than that of the previous application in an attempt to overcome the previous height and size objections. The size of this advertisement is half that of the previous proposal, a reduction in size from 37.5 square metres to 18 square metres.

The revised proposal, a freestanding 48-sheet advertisement, would be adjacent to the railway line and surrounded with a landscaped area incorporating a variety of shrubs and bushes. The shrubs, bushes and landscaping are intended to permanently improve the appearance of this piece of scrap land. The advertising panel is a metal, internally illuminated light box with a PVC advertising skin. It is supported on a short monopole, the majority of which will be obscured by the proposed landscaping.

These types of advertising displays are not an uncommon feature in major cities and in lively commercial areas can contribute to a vibrant, modern and successful city.

Outdoor Advertising is essential to commercial activity in a free and diverse economy and is an important part of a healthy economy stimulating consumer demand, attracting investment and in turn creating jobs and generating tax revenues.

Over recent years in London, many of the traditional paper and paste advertisement billboards have been removed due to action by local planning authorities and the on going construction and development of the city. Certainly there is a need and demand for this type of high quality advertisement in central London due to the historical removal of many of the lower quality traditional billboards.

4. National Planning Policies

Planning Practice Guidance Paragraph 079 (updated 06 03 2014) states that an advertisement '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.' We believe this proposal, in this neighbourhood, adheres to these criteria as York Way is a major road and has large buildings and railway bridges of a substantial scale.

The National Planning Policy Framework (March 2012) states in Para 67 that 'Advertisements should be subject to control only in the interests of amenity and public safety taking account of cumulative impacts'.

We outline below our submission that the proposal is considered acceptable in the interests of amenity. Whilst there are other similar advertisements in other parts of York Way this advertisement would be the only one in the immediate vicinity, it would be a standalone feature; not adding to any existing or cumulative advertising clutter.

5. Refusal Notice

The London Borough of Camden refused the revised application on the following grounds: -

' 1. The proposed free standing internally illuminated sign by reason of its size, siting and illumination would result in an overtly dominant addition which would be detrimental to the street scene contrary to Core Strategy Policy CS5 and CS14 and Development Policies Policy DP24 of Camden's Local Development Framework.'

6. Grounds of Appeal

Size

Camden Council considers that the proposed advertisement due to its size would be an overtly dominant addition in this location. It is submitted that size is a legitimate planning consideration however the proposed advertisement is of standard size and the smallest common format of outdoor advertisement. It would stand within its own plot of land and have its own space around it and furthermore the size has been reduced by half compared to the previous application.

The single sided advertisement would be seen against the substantial backdrop behind the site of the elevated railway, unsightly cable gantries and bridge over York Way. Beyond the Railway Bridge there are very substantial buildings of some sixteen storeys. It is submitted that scale of the railway bridge, embankment and substantial buildings are sufficient to accommodate an advertisement of this size without detriment to the street scene. The advertisement would be seen well within the large bulk of the railway bridge and the top of the advertisement would be well below the parapet of the bridge when viewed from York Way.

The advertisement display is not excessive but a standard industry size entirely typical in city centres. The monopole structure and advertising unit is designed to be simple, attractive and a slim feature in comparison to the railway embankment and nearby buildings.

It is concluded that the size of the advertisement will not be overtly dominant due to the very substantial scale of the immediate surroundings.

Siting and Illumination

The London Borough of Camden considers the siting and illumination of this advertisement would result in an overtly dominant addition which would be detrimental to the street scene.

Advertisements by their nature are designed to be seen from the road by passing motorists and users of public transport. It is therefore necessary to site the advertisements near to and visible from the road and for this reason the proposed siting of this advertisement is not thought to be inappropriate but entirely normal for a freestanding advertisement display.

We do not believe that the illumination will be detrimental to the street scene. On the contrary, this entirely industrial area in the centre of the capital city could appear dark, isolated and threatening to pedestrians and motorists at night time especially beneath the railway bridge.

It is submitted that the added illumination of this advertising display will improve safety of the street scene during the hours of darkness.

Amenity and the Street Scene

It is not stated specifically in the reasons for refusal that the advertisement would be detrimental to 'amenity' only implied by the reason that the advertisement would be detrimental to the street scene.

In the previous appeal decision on this site (see Appendix 1) in paragraph 4 the inspector considered in relation to the area and proposal that:

'It is, I accept, an industrial area within a major city where there are large buildings and main highways, and as such is the type of area within which the Planning Practice Guidance indicates that a large poster hoarding would be permitted where it would not adversely affect the visual amenity of the neighbourhood of the site.'

The appellants have therefore proposed the smallest common format of outdoor advertisement, a 48-sheet, in order address the previous size objections.

The site is adjacent to a main railway line and part of the city's infrastructure, a typical commercial road and rail corridor and so this should be an appropriate location for this proposal. The Railway Line is not considered to be particularly sensitive to development and has a low amenity value.

We conclude that that the 'overtly dominant addition' cited in the reason for refusal cannot be sustained due to the relatively low amenity value of the street scene.

We believe account should be taken not only of factors which may be detrimental to the street scene but also of factors which are positive and may be to the advantage of the street scene, such as the advertisement adding appropriate colour and interest to a drab area.

We believe this advertisement will add to the vibrancy of the area by adding colour and visual interest to what is otherwise a drab and utilitarian railway line and bridge with no special architectural or aesthetic merit. The advertising complements the commercial profile of this modern industrial area.

Furthermore the addition of the proposed landscaping, shrubs and bushes will permanently improve the amenities of the street scene and this otherwise untended piece of scrap land.

Location and Area

The site is not located in a defined area of Special Advertisement Control and is not within or near to a Conservation Area, which suggests that advertising may be appropriate in this area. We believe that the dignity of the area will not be diminished by this proposal.

Highway and Pedestrian Safety

The London Borough of Camden did not raise any highway or pedestrian safety objections to this revised proposal.

Council Policies

Camden Councils Core Strategy Policies and Development Policies are noted. It is not clear from the refusal exactly how this proposal is contrary to Policy CS5 and CS14 as they are fairly general and wide reaching without specific reference to advertisements or advertisement policy. However we assume that legitimately the Council wish to protect amenity (CS5) and protect heritage and listed buildings (CS14).

As outlined previously we believe this proposal makes a positive contribution to a relatively low amenity area and therefore is not detrimental to the amenity. This site is not in a Conservation Area nor are there Listed Buildings nearby and so it is not thought to be detrimental to Camden's heritage.

Furthermore the landscaping proposed as part of this scheme is in accordance with CS14 Para 14.18, which encourage the provision of soft landscaping.

Camden's Development Policy DP 24 appears to relate to buildings and securing high quality design for buildings. However it is believed that this advertising unit is of the highest quality design using durable and long lasting materials.

Overall it is submitted that this advertisement proposal is not itself specifically contrary to any of the Councils' policies CS5 CS14 or DP24.

7. Conclusion

In conclusion we believe this advertisement display and associated landscaping will make a positive contribution to the appearance and amenity of the street scene, adding colour and interest and the illumination will be beneficial to the safety of pedestrians at nighttime.

We believe this is the type of area that is suitable for a large poster hoarding, as indicated in the Planning Practice Guidance and the inspectors comments in the previous appeal decision of 8th January 2015. The revised size of the advertisement at 18 square metres, the smallest common format of freestanding display is suggested to be of a more acceptable size.

It is concluded that the reduced size and siting of this advertisement is appropriate, as the bulk of the railway embankment and surrounding buildings are of a large and sufficient scale to accommodate this advertising unit. It is considered that this is a suitable location for this type of advertising display as the advertisement will compliment the commercial and industrial profile of this part of York Way and Central London and not detract from the dignity of the area.

APPENDIX 1

Appeal Decision

Site visit made on 30 October 2014

by Paul Freer BA (Hons) LLM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2015

Appeal Ref: APP/X5210/H/14/2223406
York Way corner of Freight Lane, London N1

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by KDT Management Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/4102/A, dated 23 June 2014, was refused by notice dated 18 July 2014.
 - The advertisement proposed is one freestanding advertising display with internal illumination.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has indicated that, in the event that I am minded to dismiss the appeal on the basis of the originally submitted plans, an advertisement of smaller overall dimensions would be acceptable. In that context, the appellant has provided specific dimensions for a smaller advertisement. I understand that the Council has had an opportunity to comment upon a revised proposal of lesser dimensions, but also consider this to be unacceptable. However, in the absence of a definitive proposal with attendant submitted plans, I consider that it would be inappropriate for me to formally consider a revised proposal.

Main Issues

3. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

4. The proposed advertisement would be sited adjacent to a railway bridge within an area with a predominantly industrial character. The character of the area is also influenced by the additional infrastructure associated with the railway and by the main road of York Way. It is, I accept, an industrial area within a major city where there are large buildings and main highways, and as such is the type of area within which the Planning Practice Guidance indicates that a large poster hoarding would be permitted where it would not adversely affect the visual amenity of the neighbourhood of the site.

5. The appeal proposal would be an internally illuminated freestanding sign with an overall height in excess of 10 metres, including stand, and a width of some 5.3 metres. Although the proposed advertisement would be sited adjacent to the railway bridge, it would project above the parapet of this bridge and therefore would not be assimilated within the bulk of the railway bridge behind when viewed from ground level. I accept that the base of the advertisement would be screened by landscaping and that it would introduce an element of colour and vibrancy into this industrial location. However, these factors would do little to reduce the apparent height and bulk of the main advertisement display.
6. I therefore conclude that the proposed sign would by reason of its height, size and illumination, adversely affect the visual amenity of the neighbourhood of the site. As such, notwithstanding the industrial character of this locality, the appeal proposal would not be an example of the type of advertisement considered to be acceptable in such locations in the Planning Practice Guidance.
7. The Council is also concerned that the proposed advertisement would be visually intrusive to occupiers of the block of flats on the opposite side of the railway line. However, the illuminated display of the proposed sign would be angled away from that building. Consequently, given also the separation distance and the intervening bridge structure, the proposed advertisement would not be visually intrusive when viewed from those residential properties.
8. The Council has cited Policies CS5 and CS14 of the Camden Local Development Framework Core Strategy and Policy DP24 of the Camden Local Development Framework Development Policies in the reason for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Public Safety

9. The appeal site is located at the junction of York Way with Freight Lane. This is a signal controlled junction, with the traffic signals located in the centre of the York Way carriageway. The proposed advertisement would be sited adjacent to the railway bridge, such that the illuminated display would only be visible to drivers approaching along York Way from the north. In this direction of travel, the appeal site is approached down a slight gradient and on a section of road with a slight curve. Consequently, the traffic signals are visible to approaching drivers from a reasonable distance.
10. The proposed advertisement would be located on Freight Lane, and to the right of the traffic signals as viewed by drivers approaching from the north. The proposed sign would therefore not be viewed in conjunction with the traffic signals by approaching drivers. Furthermore, it would be viewed for a reasonable distance as drivers approach from the north and this would provide adequate opportunity for drivers to assimilate the advertisement as they approach. I am therefore satisfied that the proposed advertisement would not cause drivers to be distracted as they approach the traffic controlled junction.
11. I therefore conclude that the proposed advertisement would not prejudice conditions of public safety.

Conclusion

12. Although I have concluded that the proposed advertisement would not prejudice conditions of public safety, this does not outweigh the unacceptable impact on the amenity of the neighbourhood of the site. Accordingly, I conclude that this appeal should be dismissed.

Paul Freer

INSPECTOR