

Friday, 07 October 2016

Grounds of Appeal

Subject: Art Mural and Integrated Digital Advertising Display

Site: Adjacent to Camden Town Underground Station, Camden High Street, London, NW1 8QL.

LPA Ref: 2016/3005/A

1 Introduction

1.1 This appeal is against a decision by Camden Council to refuse advertisement consent for the following:

‘Art Mural and Integrated Digital Advertising Display Adjacent to Camden Town Underground Station, Camden High Street, London, NW1 8QL’

1.2 These grounds of appeal have been prepared in response to the refusal reasons given in the Decision Notice of 15th August 2016, as well as to the Case Officer’s report on the application.

2 Reasons for Refusal

2.1 The application was refused for the following reasons:

‘1. The proposed digital sign, by virtue of its size, visually prominent location and method of illumination would result in an overtly dominant addition, which is harmful to the visual amenity of the streetscene, the adjoining station building and would fail to preserve or enhance the character and appearance of the conservation area contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and DP25 (Conserving Camden's Heritage) and paragraphs 14, 17, 56 -67, 126 -141 of the National Planning Policy Framework.

2. The proposed digital sign would, by virtue of the combination of size, illumination and prominent location cause undue distraction to vehicular traffic and pedestrians causing conditions which are prejudicial to highway and pedestrian safety, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and Development Policy DP21 (Development Connecting to the Highway Network) of Camden's Local Development Framework.’

3 Grounds of Appeal

3.1 A detailed planning statement was submitted with the application which addresses many of the issues raised by the council in the Decision Notice and the Case Officer's report. This statement is appended below at Appendix 1. We ask that this statement be considered along with the grounds below.

3.2 In relation to amenity (refusal reason 1):

3.2.1 In our view, the council has not given sufficient weight to the desire to be proactive in improving the current amenity at the site. The proposal seeks to provide a commercially viable solution to address a site that is specifically highlighted as a negative feature in the Camden Town Conservation Area Character Appraisal. This point is acknowledged by the Camden Town Conservation Area Advisory Committee (CAAC) in their support for the application. The proposal would improve the character of the conservation area as well as the setting of the adjacent station building, in our view.

3.2.2 The Regulations, National Policy and Local Policy all focus on the local characteristics of the street scene when considering the impact on amenity. Despite the conservation area status, the character of the street scene is not an understated or reserved character; it is a character of independent businesses, often overtly varied with bright, colourful, busy frontages and large advertising features. The council acknowledge this in their report but make a distinction between the character of the area around the station and that of the high street further to the North. We do not consider this distinction to be apparent in reality when visiting Camden High Street. The hustle and bustle of the high street is perhaps even more pronounced around the station entrance and Britannia Junction. There are also many modern buildings surrounding the site, both opposite and to the North, notwithstanding the station building. In our view, the proposed scheme would contribute to the prevailing character of Camden High Street in a manner that the site at present does not. The proposal is therefore considered to be a benefit to the existing character, and therefore, to the amenity of the area.

3.2.3 Although the council state that they have no evidence of express consent for the existing 48-sheet hoarding, they do not dispute the fact that it benefits from deemed consent under class 13 of the Regulations and that it has been displayed for a great many years. The existing arrangement at the site is therefore lawful and a legitimate fall-back position against which to judge the proposal. There would be no change in the overall scale of the boundary structure, nor in the size of the existing advertisement. In practice, it is only the method of displaying the advertisement images, the use of an LED screen rather than printed posters, which would change; along with the creation of the art mural, which is supported by the council (see para. 3.7 and 3.8 of the Case Officer's report).

3.2.4 It is important to stress that, the use of an LED screen to show images does not necessarily result in the images appearing brighter than a non-illuminated paper poster. As the luminance of the screen is increased from zero, the image gradually becomes visible from a black screen. As such, at low levels, the image is barely visible at all, and less apparent than a printed poster. The night time illumination level for the LED screen has been reduced from 150 c/m² to 81c/m² in this revision. This is a very low level of luminance in relation to the accepted guidance levels for illuminated advertising. For example, the Institute of Lighting Professionals' recommended limit for illuminated signs over 10m² is 400 c/m². The view of the council that this level of illumination would appear unduly bright is not backed up by objective consideration of the guidance in our view.

3.2.5 Notwithstanding the above, the luminance level of the screen can be easily set to any level in real-time. Primesight has, in the past, set luminance levels by pre-commencement conditions, through meeting council officers on site to agree limits after consent. An example of such a condition is attached at Appendix 2. The appellant is happy to set luminance levels in this manner for the appeal proposal via pre-commencement condition if necessary. As such, any conceivable concern over brightness or luminance levels can be overcome through conditions and cannot justify a refusal of consent. There is no danger of the screen being too bright as the level can simply be reduced to a level that is appropriate.

3.2.6 The council would also have ultimate control over both the design and materials of the art mural and an example of the pre-commencement condition for the mural was included with the application.

3.2.7 Therefore, we disagree with the council's view that the proposal '*...by virtue of its size, visually prominent location and method of illumination would result in an overtly dominant addition*'. To summarise:

- **Size:** The size and location of the advertising would not change. It is clear from the photographs within the application planning statement that the current advertisement hoarding does not stand out as overtly dominant. The size is in scale with the gap site and the surrounding buildings.
- **Location:** The location, displayed parallel to the road along the building line is not prominent and is not readily visible until approximately 25-30m away. Within the context of Camden High Street, it is not considered to be an overtly dominant feature. The council do not disagree with this when referring to the existing hoarding.
- **Method of Illumination:** The concern over the method of illumination is based on a misunderstanding of the technology in our view. The luminance level of the screen can be set to any level. The proposed levels are already very low compared to the guidance levels set by the Institute of Lighting Professionals. However, a pre-commencement condition could also be used if necessary to avoid any possibility of the levels being considered too high.

3.3 In relation to public safety (refusal reason 2):

3.3.1 The officer has pointed out in his report that the speed limit at this section of Camden High Street is actually 20mph rather than 30mph as stated in the application, and that as such, under TfL's guidance and best practice for digital roadside advertising, each image should be displayed for at least 11.5 seconds, not 7.5 seconds. This being the case we are happy to amend the proposed conditions to account for this change and comply with an 11.5 second image change.

3.3.2 Despite the above, the council has not addressed the fact that the proposal otherwise complies with TfL's guidance and that TfL did not raise any objections. They have not referred to the TfL guidance at all to back-up their view that the advertising would cause undue distraction to vehicular traffic and pedestrians.

3.3.3 They also have not explained why they now have public safety concerns when they raised no such concerns when refusing the original proposal before the submission of this revised scheme.

3.3.4 As well as being restricted to 20 mph, Camden High Street is one way at the appeal site. Despite the high level of pedestrians often present, the driving conditions are not considered to be particularly challenging. The accident record, attached at Appendix 3, supports this. The TfL guidance provides extensive best practice safeguards to ensure that digital screens are operated safely. The guidance makes clear, at para. 4.1, that *'static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.'* The detailed conditions proposed at the application stage are drawn entirely from TfL's guidance and the proposal would be compliant with the guidance. The council has not addressed these conditions, nor the guidance more broadly, in their response.

3.3.5 It is not clear why the council consider the proposal to be dangerously distracting to pedestrians. The scheme would have no material impact on pedestrian safety in our view.

4 Additional Matters

4.1 The Camden Town CAAC made two suggested amendments in their consultation response:

- *'The hoarding should be slightly higher to conceal the gap.'*
- *The actual digital screen should be centred, if that is at all possible. It is rather odd to place the screen to one side.'*

4.2 Both of these can be incorporated and an amended elevation to this effect is attached at Appendix 4 should the Inspector consider this preferable.

5 Conclusions

5.1 For the above reasons and those in the application planning statement we consider the proposal to be in the interests of visual amenity and not against the interests of public safety. We therefore respectfully request that the appeal be allowed.

Thursday, 26 May 2016

Appendix 1

Planning Statement

Proposal: Art Mural and Integrated Digital Advertising Display

Site: Adjacent to Camden Town Underground Station, Camden High Street, London, NW1 8QL

Our Ref: SN 1105

Prepared by:

Primesight Limited
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1 Background

1.1 This application is the first revision of a proposal submitted to the Council on 4th November 2015 under ref. 2015/6179/A for the 'installation of 1 x digital LED display screen (3.846m x 6.596m)'. The application was refused by notice on 1st February 2016 on the grounds that it would be detrimental to the local amenity.

1.2 The scheme has now been comprehensively redesigned to create an integrated art mural and advertising feature that it is considered would make a positive contribution to the appearance of the site and the surrounding street scene.

1.3 In contrast to the previous scheme, the overall scale of the structure would not increase, nor would the size of the advertising area. In addition, the night time illumination level for the LED screen has been reduced from 150 c/m² to 81 c/m² to reduce its prominence at night.

1.4 Full details of the proposal along with justification against the relevant policy framework is given below.

2 Proposal

Appendix 1

2.1 The site is the frontage of a service yard area between Camden Town Station and 182 Camden High Street. The yard is currently screened off to secure the site and hide the services behind. Historically, advertisement hoardings have been displayed on the screen hoarding; there is currently a 48-sheet advertising hoarding displayed under Class 13 deemed consent. The nature of the space and the access required behind the hoarding mean that the frontage is not suitable for any other use.

2.2 The current advertising hoarding provides an important revenue stream for Transport for London, the owners of the site. The proposal involves the replacement of the current 48-sheet advertisement hoarding and boundary hoarding with an art mural and integrated digital media display screen. A visualisation of the proposal is shown at Figure 1.



Figure 1 - Visualisation of the proposal

2.3 It is proposed that the design for the mural be agreed with the Council after received consent via a pre-commencement condition. The mural design shown in the application is intended as an example, for illustrative purposes only. An example of a similar proposal and pre-commencement condition are included at Appendix 1 to demonstrate a potential wording for the pre-commencement condition.

2.4 The digital display screen would be integrated into the mural and set flush with the mural face; see Figure 2.

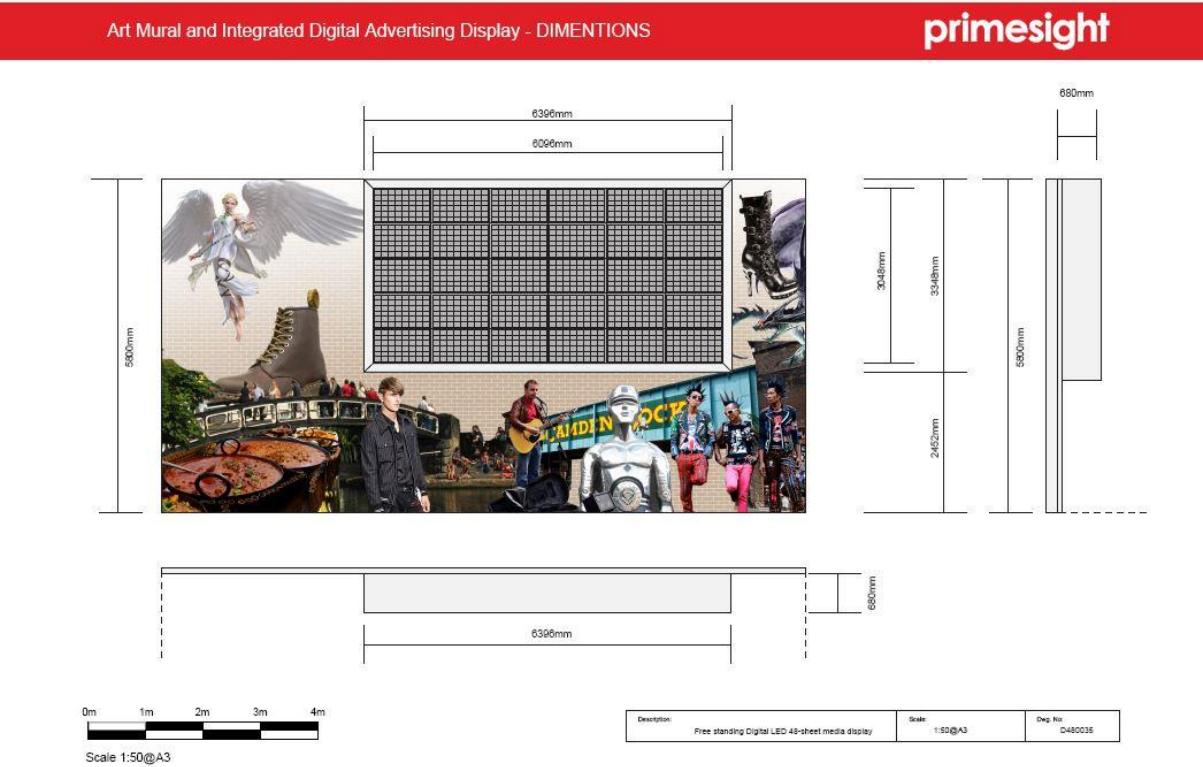


Figure 2 - Proposal Details showing integrated design

2.5 The screen would be used for advertising and information purposes, which could include Council initiatives and other public information purposes. As an example, Primesight regularly work with the charity **Missing People** to display photographs of missing people on its digital display screens, free of charge. The remote operation and digital nature of the screen allow a great degree of flexibility in this regard. The revenue raised from advertising is integral to the viability of the scheme and the funding of the art mural.

2.6 The digital screen would be subject to a number of operating conditions to restrict its use in the interests of amenity and public safety, including restrictions on the content and luminance levels. The proposed operating conditions are set out in the attached document: **Digital Display Benefits and Details of Proposed Usage**. These conditions are heavily based on guidance produced by Transport for London (TfL) in the interests of highway safety: **Waterman, 2013**. The regime proposed is understood to be materially the same as that used by the similar digital display nearby at the junction with Camden High Street and Hawley Crescent, to the North of the site.

3 Planning Considerations

3.1 The 1990 Act gives powers under section 220 for regulations to be made to control the display of advertisements. The relevant regulations are The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations).

3.2 As per regulation 3 of the Regulations, applications for Express Advertisement Consent are to be determined in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

3.3 Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

3.4 Factors relevant to public safety include: the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3.5 **Therefore, when assessing the impact of an advertisement on amenity, the Regulations place the focus firmly on the general characteristics of the locality in which the advertisement is located. The focus on public safety is placed on transportation safety including highway safety.**

3.6 National Policy

3.6.1 National policy on advertising is contained in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG); both of which are considered to be relevant factors for the purposes of Regulation 3.

3.6.2 **NPPF** – The Government attaches great importance to good design within the built environment at Section 7. It states that policies should avoid unnecessary prescription or detail, instead considering the relation to neighbouring buildings and the local area more generally. In this context, the framework also refers to outdoor advertising at paragraphs 67. It states the following:

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

3.6.3 **NPPG** – The NPPG contains more detailed guidance on the operation of the advertisement control system. It also contains further guidance on the considerations of amenity and public safety. Guidance on the considerations affecting amenity is summarised at ID 18b-079-20140306 as follows:

‘So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.’

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but 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.’

3.6.4 **Therefore, in terms of amenity, National Policy again focuses on the local characteristics of the neighbourhood, and goes further by offering a description of the type of areas where large poster advertising might be acceptable. It is considered that the application site broadly reflects the example given in the NPPG, insofar as it is a commercial area of a major city and surrounded by large buildings.**

3.6.5 Paragraph ID 18b-068-20140306 contains a list of circumstances where advertisements may cause a danger to road users. Subparagraph D is relevant to the proposal. It states as follows:

(d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology....which are subject to frequent changes of the display;

3.6.6 6.4.5 Paragraph ID 18b-068-20140306 goes on to state the following:

'In many cases it may be possible for the hazardous traffic features of the display to be removed by, for example... restricting the frequency with which the display changes.'

3.6.7 **Therefore, National Policy identifies features that may cause a danger and encourages the use of appropriate restrictions in order to make such advertisements acceptable. The proposal is capable of accommodating such restrictions and a series of restrictions have been proposed in the interests of public safety. However, there was no public safety objection raised against the original proposal and it is considered that the amended proposal would similarly have no adverse effect on public safety.**

3.7 **Local Policy**

3.7.1 The following Development Plan policies are considered relevant for the purposes of Regulation 3 insofar as they relate to amenity and public safety.

- Core Strategy Policies:
 - CS5 (Managing the impact of growth)
 - CS14 (Promoting high quality places and conserving our heritage)
- Camden Development Policies

- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)

3.7.2 Core Strategy Policy CS5 seek to ensure that the impacts of growth are appropriately managed to meet the needs of Camden's population and contribute to the borough's London-wide role. Particularly relevant to this proposal is the desire set out in the policy to provide sustainable spaces of the highest quality and to protect and enhance the environment, heritage and the amenity and quality of life of local communities. Policy CS14 similarly requires development of the highest standard of design that respects local context and character.

3.7.3 Policy DP24 (Securing high quality design) of Camden Development Policies 2010-2025 states that the Council will expect developments to consider character, setting, context and the form and scale, as well as the quality of materials to be used. Policy DP25 (Conserving Camden's heritage) of the same document states that the council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. DP26 (Managing the impact of development on occupiers and neighbours) requires that development should not be harmful to amenity, similar to the statutory requirement in regulation 3.

3.7.4 Therefore, Local Policy clearly echoes the focus of National Policy on local context, and the character and appearance of the local area being the decisive factors (C5, C14, and DP24). In addition, there is an emphasis on enhancing the existing character within the local context, especially within Conservation Areas (CS5 and DP25).

3.7.5 The site is within the Camden Town Conservation Area (CA). The character of the area surrounding the site is described as follows in the Character Appraisal document produced by the Council:

'The commercial sub area consists of a traditional wide shopping street linking the busy junction at Mornington Crescent to the eclectic and lively town centre at the heart of Camden Town. The focus of Camden Town is Britannia Junction which acts as a hub and an important interchange, with busy, noisy, dynamic and diverse characteristics. This retail and commercial area is powerfully urban in character with few openings between the continuous building lines and an absence of public open spaces and soft landscaping.'

3.7.6 The application site is highlighted as a negative feature in the CA Character Appraisal. The development of the site in a form that reflects the character of the setting as described above is therefore highly desirable. It is considered that the proposal is in keeping with the busy, dynamic and diverse character of the locality.

3.7.7 Camden Design Guide 1 contains local guidance on advertisement design. In addition to the Development Plan policies cited above, the following points from the Design Guide are considered relevant:

'8.6 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 and the surrounding area. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment.

8.17 Advertisement hoardings or posters will not usually be acceptable in predominantly residential areas and will be carefully controlled in conservation areas and on or near listed buildings to ensure that they do not detract from the area's and building's character and appearance. However, if an area has a mix of uses or is predominantly in commercial use some poster or hoarding advertising may be acceptable where they satisfactorily relate to the scale of the host building or feature and its surroundings. They should be designed and positioned as an integral feature of the building. Some guidelines on when hoardings will not be considered acceptable include:

- *in locations where they may prevent or significantly damage views or obscure light;*

- *where they are forward of the face of adjoining buildings;*
- *where they project above roof ridge/eaves level;*
- *where they obscure architectural features or landmarks (including windows or window recesses); and*
- *on side walls where they would be unduly dominant.'*

3.7.8 Therefore, in addition to echoing the Development Plan policies on respecting the individual local context, the Design Guide adds that advertisements should be integral to the building that they are cited on and that interesting and unique styles of advertisements may be appropriate if the surroundings environment suits such advertisements. Camden High Street is characterised by large scale and unique advertising and art features, many at first floor level and above. It is considered that the proposal is in keeping with this established character. It is also considered that the design of the boundary treatment as a whole shows good levels of integration; both in terms of the screen with the mural space, and also in terms of the mural hoarding with the building lines.

4 Amenity

4.1 Enhancing the Local Environment

4.1.1 The site is located on Camden High Street in the heart of the commercial area of Camden Town, at one of the main transport nodes. However, it adds little to the strong and diverse character of the area at present as detailed in the CA Character Appraisal. It is specifically highlighted in the CA Character Appraisal as a negative element, in need of intervention. It is fair to say that the site could make a far greater and more positive contribution to the unique and diverse character of Camden Town.

4.1.2 However, the nature of the site is such that there are tight restrictions on what could be developed. The hoarding screens operational elements of Camden Town Underground Station and must be secure, and of the current scale, for Health and Safety reasons. Any development options for the site must also be self-funding and must therefore contain some form of revenue generation. The advertising revenue from the current hoarding must be maintained or enhanced to make the development viable.

4.1.3 Therefore, whilst a development of the site to enhance the local amenity is encouraged by Council policy, there are limited development options that could realistically be implemented. The proposal is one such option and is considered to be both practical for the site and appropriate for the setting.

4.2 Respecting character of the locality and the unique local context

4.2.1 It is clear from both local and national policy that the key criteria with respect to amenity is to ensure that the development respects the character of the locality.

4.2.2 The character of Britannia Junction immediately to the south of the site is described in the CA Character Appraisal as 'busy, noisy, dynamic and diverse'; see Figure 3.



Figure 3 - View of the site from Britannia Junction to the South

4.2.3 The character of the immediate street scene at the site is busy and bustling, increased by the presence of the tube station exit.



Figure 4 – Photograph of immediate context



Figure 5 - Close up photograph of the site

4.2.4 The high street itself to the North is characterised by many independent shops and markets and elaborate, high impact advertising features.



Figure 6 - Example of the tradition of high-level, creative advertising on Camden High Street

4.2.5 The proposal draws on the bustling character of the high street and on the tradition of colourful advertising features. Unlike the site at present, the proposed scheme would contribute to the character of the street scene. The result would be a positive development that would be in keeping with the character of the setting, and that would, as a result, enhance the character of the Camden Town Conservation Area in which it sits.

4.3 Integral appearance, scale and quality of materials

4.3.1 The proposal is of an integrated design that treats the whole site frontage as one. It is in keeping with the character of Camden High Street and compliments the many other advertisement and art features along the high street and in the Camden Town area more generally. The scale of the boundary hoarding would remain unchanged to maintain its security and safety function and the advertisement element would also remain the same size. It is in scale with the buildings on both side and opposite and is in scale with the other advertising and art features along the high street. The quality of the material, specifically the use of digital technology, could not be higher. The quality and appropriateness of the art mural would be guaranteed by the pre-commencement condition proposed. The appropriateness of the operating regime and luminance levels of the digital screen would also be guaranteed by conditions and are fully adjustable.



Figure 7 - Visualisation of the proposal

5 Public Safety

5.1 As stated above, the original application did not attract any public safety objections. The refusal was on amenity impact only. The public safety impact of this revision is considered to be materially the same and, as such, it is considered that, likewise, there would be no public safety issue.

5.2 However, an independent public safety assessment undertaken on behalf of TfL by Waterman Group is attached. This assessment took the form of the completion of an 'Advertisement Safety Guidance Form' (ASGF). The ASGF is an assessment method developed by TfL to assess the safety impact of advertisement proposals on the TLRN. The site is located on the boundary of the TLRN.

5.3 The ASGF concluded that the proposal is suitable based on the available evidence and that there is no evidence to warrant refusal of consent of safety grounds. It is therefore considered that the proposal would have no negative impact on public safety subject to appropriate conditions to formally control the operation of the display as proposed.

5.4 The proposed operating regime for the display has been set to accord with TfL's current guidance. This is detailed in the attached document: **Digital Display Benefits and Details of Proposed Usage**. However, it should be noted that the screen can be easily adjusted to new settings if this is ever considered necessary.

6 Conclusions

6.1 For the above reasons it is considered that the proposal is in keeping with the scale and character of its setting and that it would successfully integrate with its surroundings. Artistic advertising displays are a feature of Camden High Street and the proposal would reflect this character with a feature of similar scale and presence. It would intervene at a site that is recognised as being in need of intervention and would be deliverable and self-funding.

6.2 The operation of the screen, including luminance levels or 'brightness', would be controlled by condition and the final say over the art mural imagery would lie with the council to be secured via a pre-commencement condition.

6.3 It is therefore considered that, in the absence of any highway safety concerns, Express Advertisement Consent should be granted subject to the proposed conditions.

7 Schedule of Proposed Conditions

7.1 The following conditions are based on the guidance issued by Transport for London in 2013 – ‘Guidance for Digital Roadside Advertising and Proposed Best Practice’ (Waterman, 2013):

- The maximum level of illumination during hours of darkness shall be no more than 81 c/m2.
- The luminance level of the display shall be controlled to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at no more than 300c/m2 above ambient level.
- The approved display shall contain at all times a feature that will turn the screen off (i.e. shows a black screen) in the event that the display experiences a malfunction or error.
- There shall be a smooth, uninterrupted transition from one image to another. Transitions between images shall be instantaneous. No individual advertisement shall be displayed for duration of less than 10 seconds.
- No individual advertisement displayed on the LED screen shall contain moving images, animation, intermittent or full motion video images or any images that resemble road signs or traffic signals.
- Prior to the installation of the advertisement hereby approved, a scheme for the detailed mural shall be submitted to for approval in writing by the Local Planning Authority. The scheme as approved shall be implemented.

8 Schedule of Application Documents

8.1 The application comprises of the following material:

- Completed Application Form
- PY2365 001 rev A – Existing & Proposed Location Plan;
- PY2365 002 rev A – Existing & Proposed Site Plan;
- PY2365 003 rev A – Existing Elevation;
- PY2365 004 rev A – Proposed Elevation;
- PY2365 005 rev A – Proposed View Photo-montage;
- D480035 – Art Mural and Integrated Digital Advertising Display - DIMENSIONS;
- Completed TfL ASGF Assessment;
- Details of Proposed Usage Regime Document;
- TfL Guidance for Digital Roadside Advertising and Proposed Best Practice – 2013.



Appeal Decision

Site visit made on 9 September 2015

by A Harwood CMS MSC MRTPI

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

Decision date: 16 September 2015

Appeal Ref: APP/E5900/Z/15/3089714

97 – 99 Whitechapel High Street, London, Tower Hamlets, E1 7RA

- 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 Mr Matt Swindles of Primesight Ltd against the decision of the Council for the London Borough of Tower Hamlets.
 - The application Ref PA/15/00429, dated 20 February 2015, was refused by notice dated 21 April 2015.
 - The advertisement proposed is temporary screening shroud incorporating building replica and commercial advertising space.
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Decision

1. The appeal is allowed and express consent for temporary screening shroud incorporating building replica and commercial advertising space as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) Prior to the installation of the advertisement hereby approved, a scheme for the detailed mural at ground floor level shall be submitted to for approval in writing by the Local Planning Authority. The scheme as approved shall be implemented and the advertisements shall otherwise comply with plans referenced 'PY2317-004' and 'PY2317-007' dated 5 February 2015.
 - 2) None of the approved signs shall be illuminated by more than 600cdm or illuminated by intermittent or flashing lighting, nor should they display a moving feature, animation or exposed cold cathode tubing.

Main Issue

2. The Council has not raised concerns about public safety and has stated that Transport for London do not object subject to conditions. I agree that subject to safeguards requiring static illumination as well as limiting the degree and type of illumination, the advertisement would not cause highway safety problems. The main issue is therefore the effect of the advertisement on the visual amenity of the site and surrounding area. The site is within the Whitechapel High Street Conservation Area (CA). In considering this issue it is therefore necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Reasons

3. The appeal site includes an undeveloped space between an otherwise built up frontage in a busy commercial area which is on a main route to the east of central London. The site is also close to Aldgate East Station. At the moment, there are two internally illuminated advertising screens on either side of the space at approximately first floor level of the adjoining buildings. The gap between otherwise tall buildings is obvious and allows prominent views of the side elevations of each adjoining buildings. The two existing advertising screens are at differing heights. The unused site at the moment does not conform with the character of the surrounding uses and the physical condition is very different from the appearance of the otherwise densely developed area. The condition of the site has a harmful impact upon the character and appearance of street scene within the CA.
4. The proposal would involve the covering of the gap with an image replicating the appearance of a shop front at ground floor level. The appellant states that the precise detail of the mural would be agreed with the Council before installation. Although the Council has not suggested a condition to require that, I have altered the suggested condition requiring compliance with the approved plans to allow for it. Above ground floor level, the shroud would provide an image of first floor windows, brickwork and then centrally at approximately third and fourth floor level of the adjoining buildings, a large 11m by 8m advertising area. There would be over-lighters to provide illumination.
5. This proposal would therefore cover the gap between the two adjoining buildings and prevent views of those side elevations. Such treatment can only be a broad representation of a structure and would not address the lack of activity due to the absence of a building. However the unification of the frontage would improve its appearance. The inclusion of one large advertising feature compared to the existing separate screens would also give the site a more ordered appearance which would be beneficial in terms of visual amenity.
6. I have not been provided with the details of the alternative advertisement approved for the site and therefore have not given any weight to it in this decision. In relation to the main issue, this proposal would enhance the character and appearance of this part of the CA. In this way it would comply with policy DM23 and DM24 of the Tower Hamlets Managing Development Document¹ and SP10 of the Core Strategy².
7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

¹ Managing Development Document, Development Plan Document, adopted April 2013

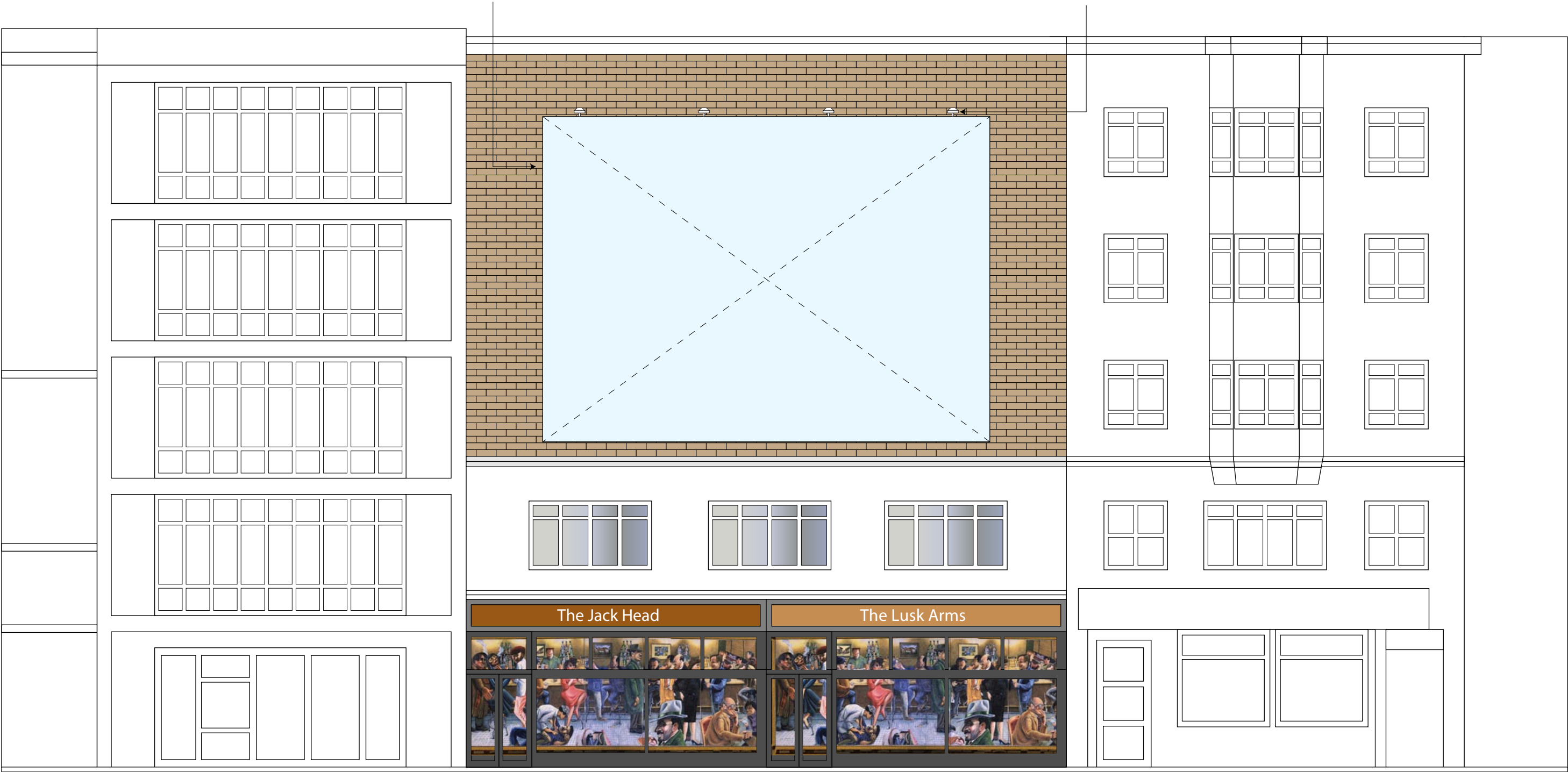
² Core Strategy, Development Plan Document, adopted September 2010

PROPOSED ELEVATION

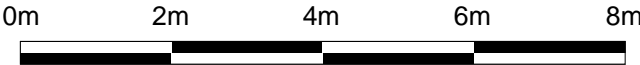
primesight

Temporary screening shroud incorporating building replica and commercial advertising space

Overhead illumination (at 3m intervals)



Whitechapel High Street

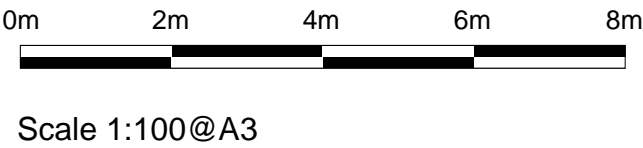
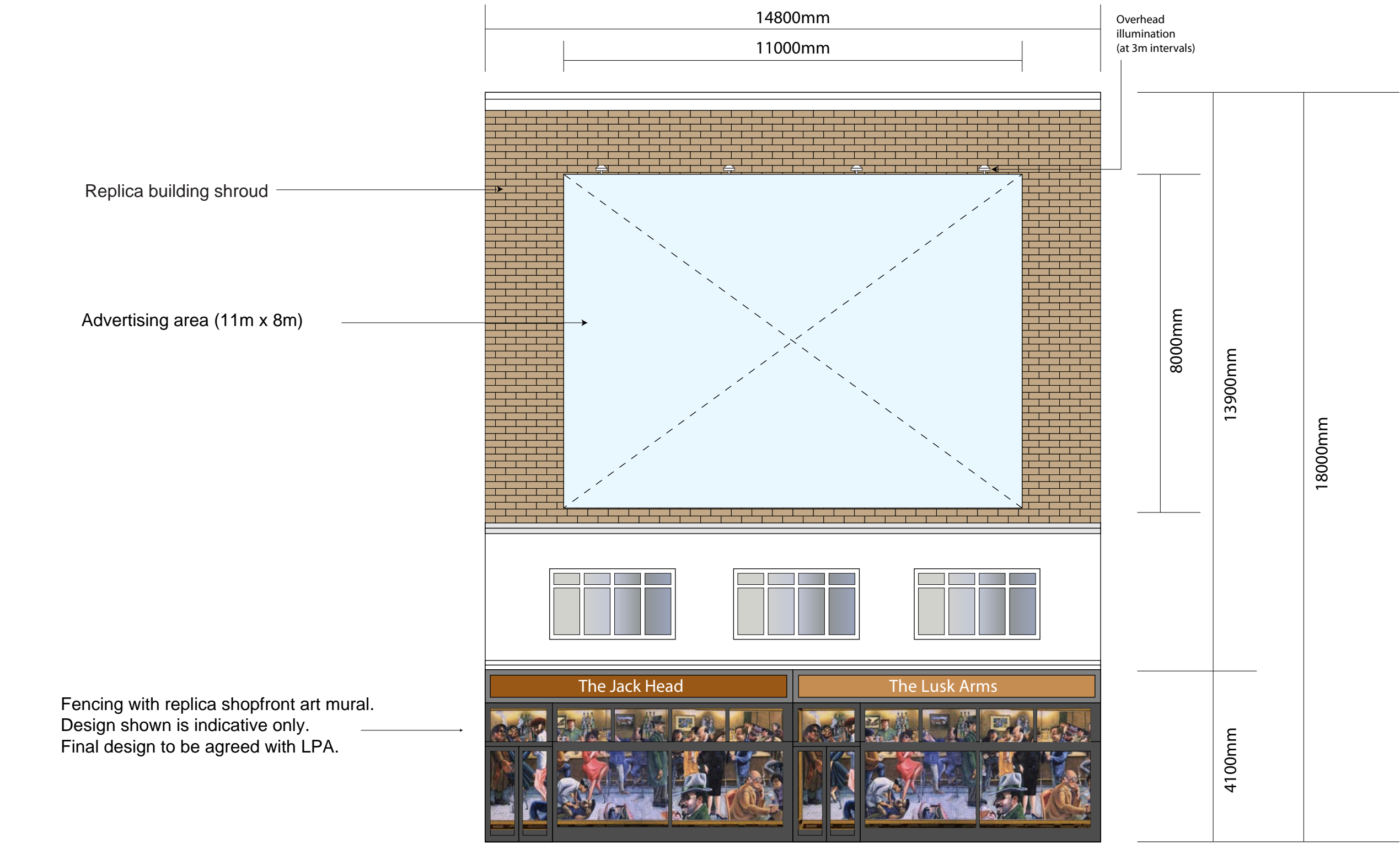


Scale 1:100@A3

Fencing with replica shopfront art mural.
Design shown is indicative only.
Final design to be agreed with LPA.

Description: Temporary screening shroud incorporating building replica and commercial advertising space	Date: 5 February 2015	Dwg. No: PY2317 - 004
	Scale: 1:100@A3	
Site: Vacant Site at 97-99 Whitechapel High Street, London E1 7RA		

SHROUD SPECIFICATIONS



Description:	Temporary screening shroud incorporating building replica and commercial advertising space	Date:	5 February 2015	Dwg. No: PY2317 - 007
Site:	Vacant Site at 97-99 Whitechapel High Street, London E1 7RA	Scale:	1:100@A3	

PROPOSED VIEW

primesight



Description: Temporary screening shroud incorporating building replica and commercial advertising space	Date: 5 February 2015	Dwg. No: PY2317 - 006
Site: Vacant Site at 97-99 Whitechapel High Street, London E1 7RA	Scale: Not to scale, indicative only	



Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) (England) Regulations 2007
(as amended)

Consent Granted to Display Advertisements

Applicant:	Primesight Limited - Mr Seamus Carey	Application Number:	15/00388/ADV
Address	The MET Building 22 Percy Street London W1T 2BU	Date Accepted:	22 January 2015
		Date of Decision:	11 March 2015

Proposed Development At: Hurley House 7 Dewsbury Road Hunslet Leeds LS11 5DQ

Proposal: One illuminated free-standing digital advertisement sign

Advertisement consent granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

- 1) The advertisement hereby granted consent shall cease to be displayed and all fixings and supporting structures permanently removed on or before 27th Feb 2018.

In order that position and placement of the digital advertisement screen may be reviewed in light of planned highways works to the adjacent road network and in the interests of highway safety and saved UDPR policies BD8 and GP5.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) Controls shall be placed on the display which ensure a smooth, un-interrupted transition of images displayed on the panel and the transition shall be of not less than one second between static images. This period represents the 'transition period'.

In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5

- 4) The full cycle for the change of each image shall be a total of no less than 10 seconds which, for the avoidance of doubt, shall include the period for which the advertisement is displayed and one full 'transition period'. In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5

Tim Hill
Chief Planning Officer

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) (England) Regulations 2007
(as amended)

Consent Granted to Display Advertisements

- 5) The screen display shall be erected with a mechanism installed in order that, if the installation breaks down, it defaults to a blank back screen in order to avoid any flashing error messages or pixilation. In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5
- 6) The screen display panel shall at all times be fitted with a light sensor to adjust the brightness to changes in ambient light levels. In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5
- 7) No individual advertisements displayed on the LED advertising panel hereby approved shall contain moving images, sound, animation, intermittent or full motion video images or any images that resemble road signs or traffic signals In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5
- 8) Prior to first operation of the digital advertisement screen hereby approved, the intensity of illumination shall be reviewed and agreed on site by the Local Planning Authority. In the interests of highway safety in accordance with saved Leeds UDP Review (2006) policy GP5

Plans Schedule - as referred to in Condition No. 2 above:-

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan		22.01.2015
Elevations	PY-2264-004	22.01.2015
Other	PY2264-006	22.01.2015
Elevations	D480004	22.01.2015
Site Location Plan/Red Line/OS Plan	PY2264-001	22.01.2015
Site Location Plan/Red Line/OS Plan	PY2264-002	22.01.2015
Elevations	S02V2	26.02.2015

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) (England) Regulations 2007
(as amended)

Consent Granted to Display Advertisements

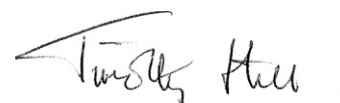
For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.
- 2) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority.

The applicant is advised that where any of the following apply, The Party Wall Act 1996 provisions are relevant, and you may well need to serve notice and get agreement from adjoining owners/neighbour(s) to carry out the work;

- work carried out directly to an existing party wall or structure
- new building at or astride the boundary line between properties
- excavation within 3 or 6 metres of a neighbouring building or structure depending on the depth of the hole or proposed foundations.

- 3) In accordance with the provisions of Schedule 2 to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (or any Regulation revoking and re-enacting those Regulations with or without modification) the following standard conditions are applied to all advertisement consents:
 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.
 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.
 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.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 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.



Tim Hill
Chief Planning Officer



Decision Notice

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) (England) Regulations 2007
(as amended)

Consent Granted to Display Advertisements

Important information

Standard Conditions - Notwithstanding the power of the City Council (as Local Planning Authority) to impose additional conditions upon the grant of consent under the Regulations, the following standard conditions apply to all adverts.

1. Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. 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.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (Civil or Military).

This decision notice only relates to the grant of advertisement consent. You may need other approvals, consents or licenses for the development eg listed building consent. This consent is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new application.

This advertisement consent is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the responsibility of the owner(s) and the person(s) implementing the development to ensure that the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

At any time within a period of six months before the expiry of this consent, application may be made for its renewal. Every grant of express consent will operate for a period of five years from the date of granting of consent unless a condition specifies otherwise.

Tim Hill
Chief Planning Officer

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) (England) Regulations 2007
(as amended)

Consent Granted to Display Advertisements

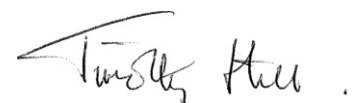
Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant consent for the advertisements subject to conditions, then you can appeal to the Secretary of State.

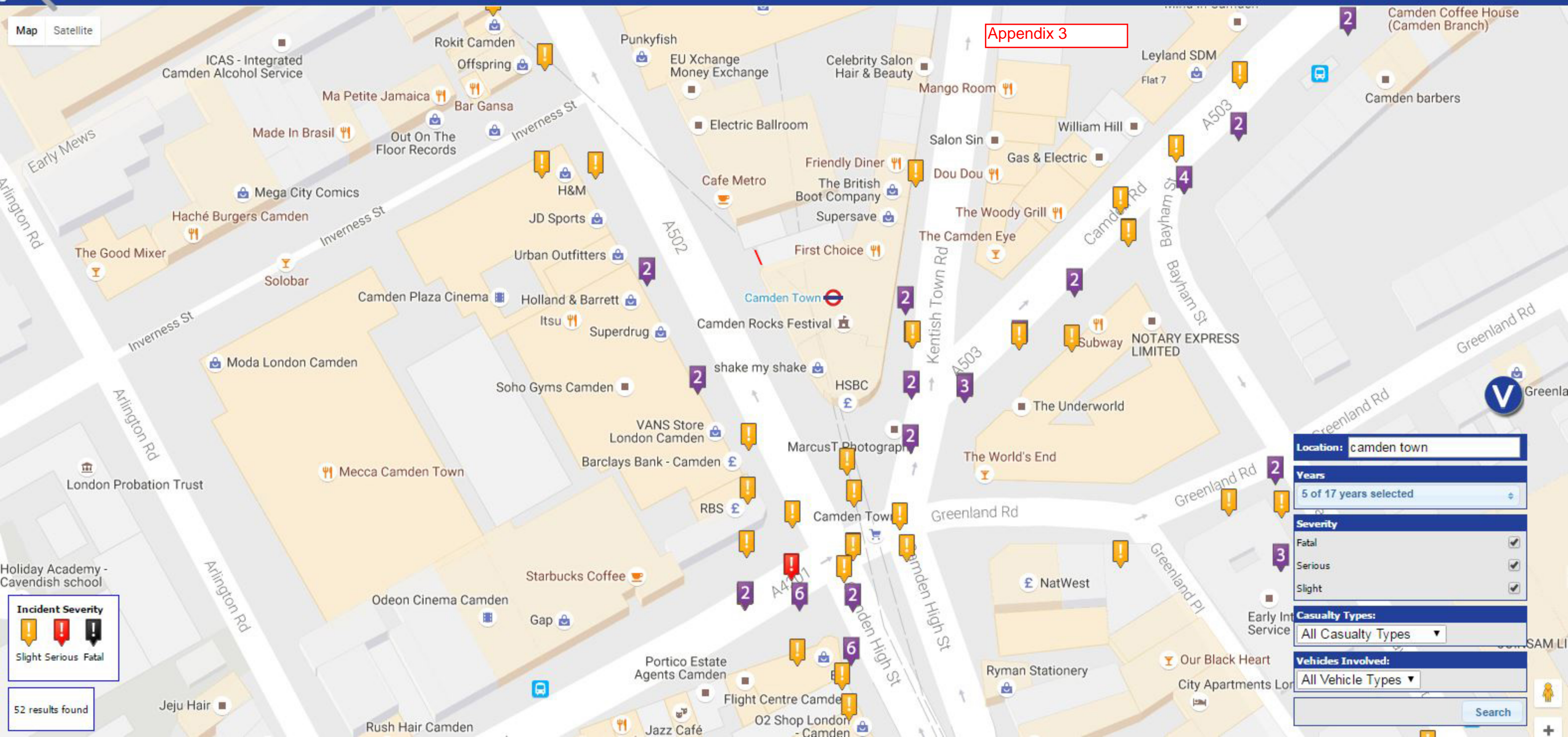
If you want to appeal, you must do so within **eight weeks** of the date of this notice, using a form which you can obtain from <http://www.planningportal.gov.uk/planning/appeals> or by email from enquiries@pins.gsi.gov.uk or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Planning Services, Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD as well as to the Planning Inspectorate at the address on the form.



Tim Hill
Chief Planning Officer



Appendix 3

Incident Severity





Slight Serious Fatal

52 results found

Location: camden town

Years
5 of 17 years selected

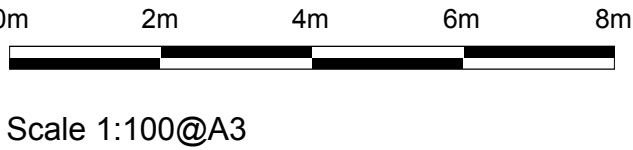
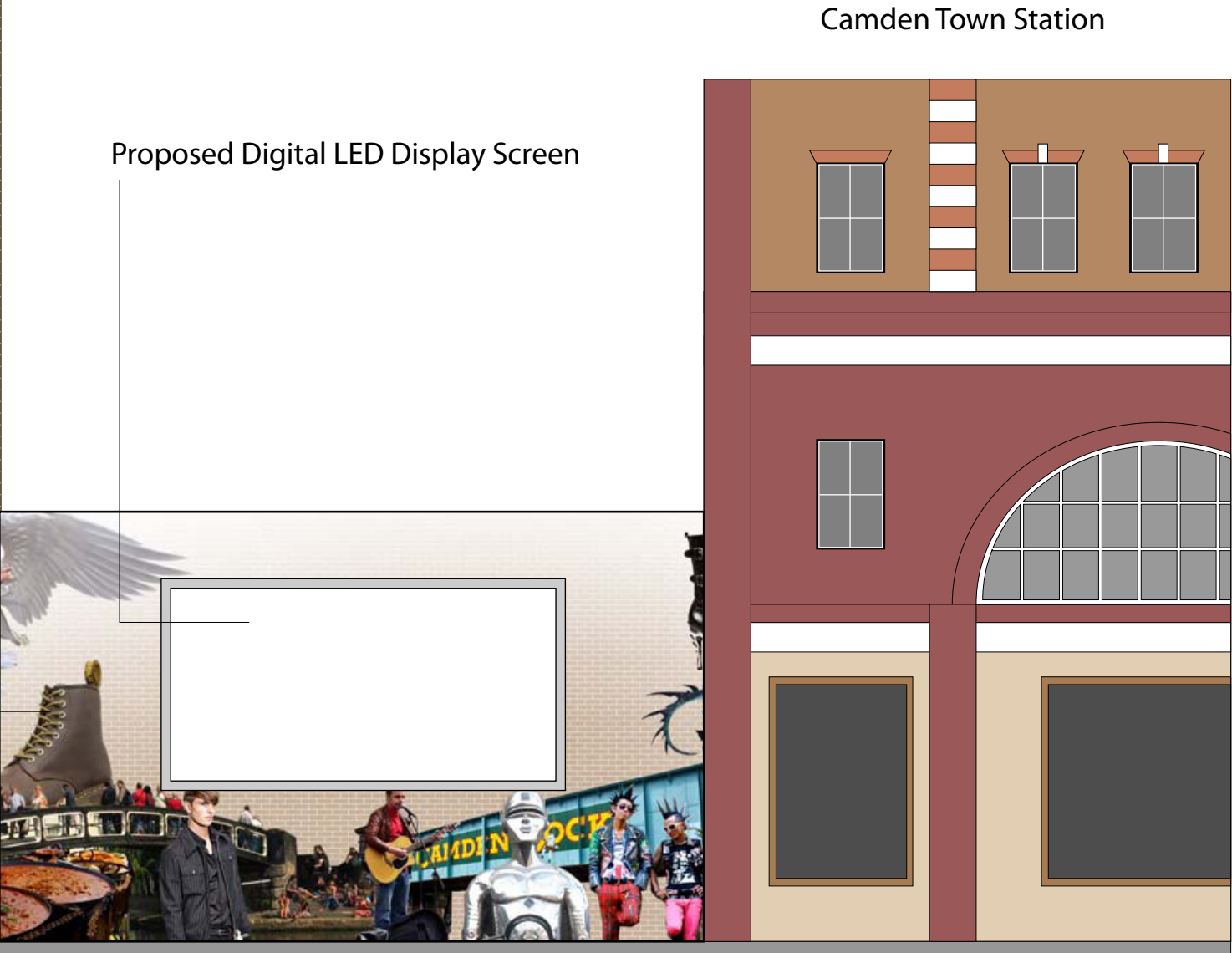
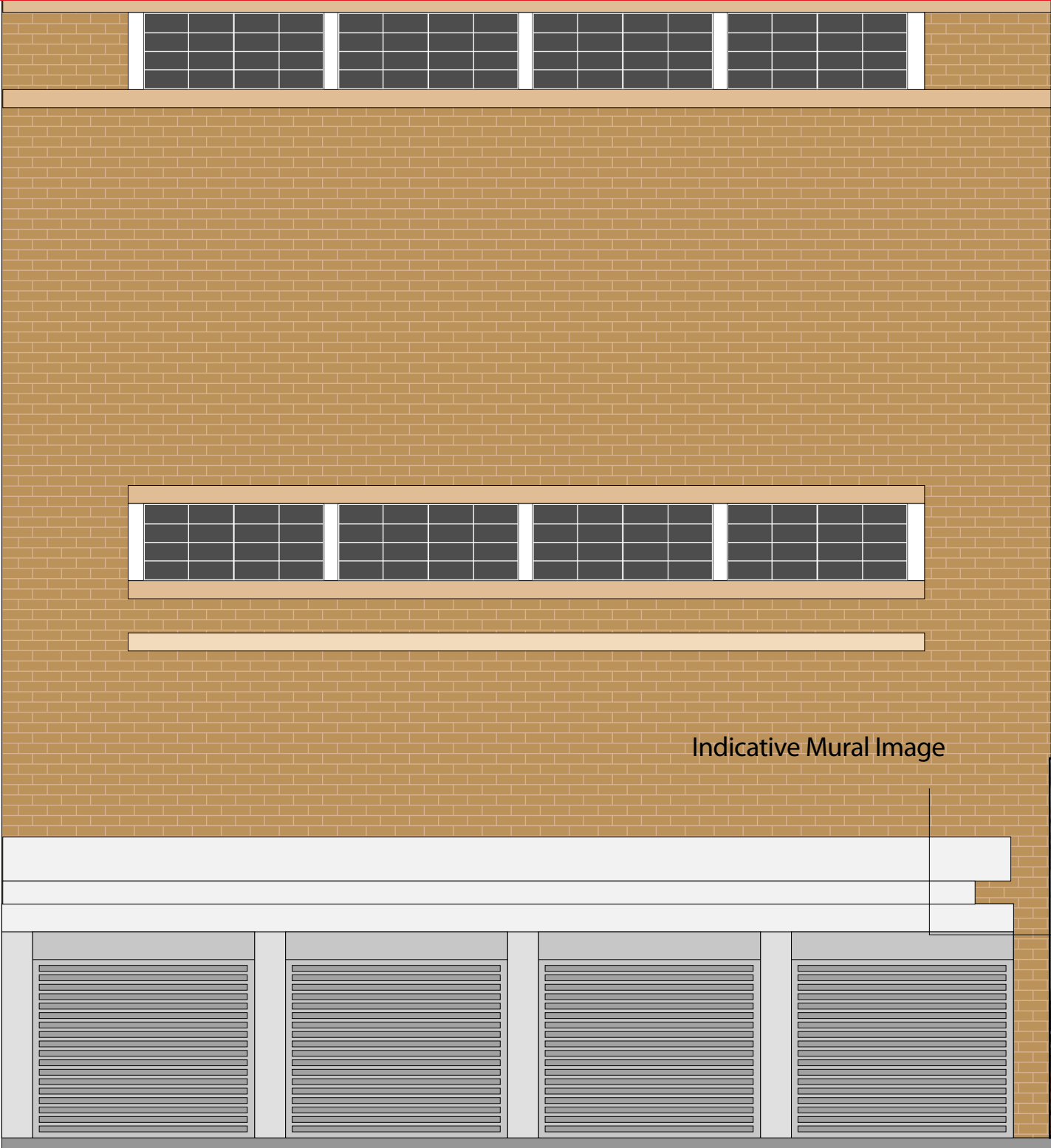
Severity
 Fatal ☒
 Serious ☒
 Slight ☒

Casualty Types:
All Casualty Types

Vehicles Involved:
All Vehicle Types

Search

PROPOSED ELEVATION Rev B



Description:	Art Mural and Integrated Digital Advertising Display	Date:	05 April 2016	Dwg. No: PY2365 - 004 rev B
Site:	Adjacent to Camden Town Underground Station, Camden High Street, London, NW1 8QL	Scale:	1:100@A3	