

Friday, 24 May 2019

Grounds of Appeal

Details of Proposed Development: Display of a free standing internally illuminated 48 sheet LED digital advertising display sign.

Site: Hoarding on the corner of Hilgrove Road and Alexandra Road London NW6 4TJ

LPA Ref: 2019/0287/A

1. Introduction.

1.1 The proposal seeks consent to upgrade an existing, internally illuminated poster hoarding at the corner of Hilgrove Road and Alexandra Road, London NW6. The new unit would be the same size and displayed in the same position as the existing. The difference would be that it would use a digital LED screen to show the poster images instead of physical, printed posters.

1.2 The screen would continue to display static, poster-like, images only. Each poster image would be displayed for at least 10 seconds, in a similar way to traditional scrolling vinyl poster displays. There would be no video or animation used. This usage regime is set out in the application covering letter and is proposed to be controlled by a series of conditions.

1.3 The current hoarding has been continually displayed for many years and benefits from deemed consent under Class 13 of the Regulations. The Council do not dispute this. As such, there is a clear fallback position; that the current hoarding would continue to be displayed as at present.

1.4 The reason for the upgrade is to allow the poster images to be changed remotely which greatly improves efficiency and drastically reduces the amount of site visits and physical waste; i.e. the regular printing and disposal of vinyl posters.

2. Reasons for Refusal

2.1 The application was refused for the following reasons:

'The proposed free standing internally illuminated 48 sheet LED digital advertising display sign, by virtue of its size, design, location and method of illumination, taken together, would result in an overly large, visually dominant and incongruous fixture that would fail to preserve or enhance the character of the streetscape, contrary to policy D4 (Advertisements) of the Camden Local Plan 2017.

3. Main Issues

3.1 As per regulation 3 of the Regulations, applications for express advertisement consent must be determined in the interests of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material, and (b) any other relevant factors.

3.2 There is no public safety objection. The main issue is therefore considered to be the impact of the proposed upgrade on amenity, and whether the proposal *'would fail to preserve or enhance the character of the streetscape, contrary to policy D4 (Advertisements) of the Camden Local Plan 2017'*.

3.3 Site and Surroundings

3.3.1 The delegated report is somewhat misleading in stating that the hoarding is 'immune from prosecution' due to the passage of time. In fact, the hoarding is displayed entirely legally under the advertisement consent granted by virtue of class 13 of the Regulations. This has been the case for many years as part of British Rail's, and now Network Rail's, advertising concession, apparently without issue. Attached at Appendix 1 is a letter regarding the hoardings from Camden Council relating to non-domestic rates dated 10th May 1993, and at Appendix 2 is a photograph showing the site in circa 2007 with a larger hoarding in place. The site has likely been in use for many years prior to 1993. The advertising station is therefore a long-established feature of the street scene and part of its established character.

3.3.2 The council argue at paragraph 3.3 of the delegated report that *'the site sits in an exclusively residential area'* and yet also in the same paragraph that the hoarding is *'in full view'* of the junction with Finchley Road to the East, which is a substantial commercial high street. Whilst it is accepted that there are residential blocks in the street scene, the advertising station is set against the backdrop of the railway cutting in a familiar position and is set away from the residential buildings, on the opposite side of the road. It is not read against these buildings when approaching from the East but is read against the railway cutting and wall. The scale of the street scene is relatively large and expansive due to the junction with Alexandra Road and the curve in Hilgrove Road. The single hoarding that remains on the site does not look out of scale or character with its surroundings in our view.

3.3.3 As the council stress in the decision notice (and also at paragraph 4.1 of the delegated report), Policy D4 requires that proposed advertisements '*preserve or enhance*' the character of the setting. The replacement hoarding would be very similar in appearance to the current hoarding. It would be the same size and positioned in the same position. The advertising area would also be unchanged. Notwithstanding the changes in the method of displaying the advertisements to a digital method (addressed below), the effect of the change on the amenity of the area would be minimal and therefore *would* preserve the character of the setting in accordance with Policy D4. Policy D4 is also concerned with preventing a proliferation of signage that could lead to signage clutter. The proposal would see no increase in signage as it would directly replace the existing hoarding. As such, there would be no proliferation.

3.4 Method of Illumination

3.4.1 It is noted that the decision notice refers to the method of illumination and not the level of illumination proposed. The council do not dispute that the proposed use of the screen would be entirely compliant with the relevant, universally recognised, guidance; nor do they offer any other contrary guidance. The operation of the screen would be strictly controlled in accordance with both the Institute of Lighting Professionals' guidance PLG 05 and Transport for London's Guidance for Digital Roadside Advertising and Proposed Best Practice – 2013. These documents are attached for ease of reference.

3.4.2 The screen luminance would change automatically via a light sensor that would track the changing ambient light levels throughout the day and night. This is in accordance with the advice set out specifically at page 7 of the TfL guidance and page 24 of ILP PLG-05. During the day the screen would not appear 'illuminated', it would merely be at a level that would allow the image to be visible in the ambient daylight, as dictated by the light sensor, in accordance with the ILP and TfL guidance.

3.4.3 The proposed night time levels would be limited to 300 c/m², which is the level recommended by the ILP in PLG 05 for signs in Zones E3 – Suburban, and E4 – Urban (page 23 of PLG-05). It is important to note that the current sign that would be replaced is internally illuminated to 500 c/m² at night as the ILP standard had historically been a limit of 600 c/m². There would therefore be a reduction in night time lighting levels as a result of the upgrade to the digital sign.

3.4.4 The ILP guidance PLG-05, which is concerned with the *visual amenity* impact of lit signage, advises (at page 24) that the rate of change for digital signs should be limited to once every five seconds. Therefore, it is clear from the ILP guidance that a change rate of five seconds is deemed to be an acceptable starting point in terms of visual impact when compared to a fixed sign. The proposed sign would be further limited to change once every ten seconds to comply with the TfL guidance, which is concerned with safety issues. Therefore, the rate of change would be double that recommended by the ILP on amenity grounds, and as such is considered to be acceptable and compliant with the relevant guidance. Again, the council does not claim that the conditions of use are contrary to the recognised guidance and has offered no contrary guidance.

3.4.5 It is therefore considered that the councils' concerns about light pollution at paragraph 4.8 of the delegated report are unjustified. Subject to the proposed conditions, the upgrade to the digital display method from the current internally illuminated vinyl posters would have no negative effect on the visual impact of the advertising station.

4. Conclusion

4.1 In our view, when assessed on its merits, there is no evidence to suggest that the upgrade of the current hoarding to the proposed digital replacement would have any negative impact on the character of the streetscape. As such, it would be compliant with Camden Local Plan Policy D4 in preserving the character of the streetscape. Therefore, in the absence of any public safety objections, under the Regulations express consent should be granted, and we respectfully request that this appeal be allowed.

Appendix 1 – Rates Letter dated 10 May 1998

0107 01 1036
BK

Valuation Office

Notice requesting supply of information Non-Domestic Rating

10-MAY-1998
HILGROVE RD NW4

THE OCCUPIER
ADVERTISING RIGHT AT HILGROVE ROAD
ALEXANDRA ROAD
LONDON
NW4


100 RD WITHIN
NW4?

RECEIVED

15 SEP 1998
WESTMINSTON
MILLS & ALLEN LTD

*False statements or failure to complete
and return this Notice within 21 days of
receipt may result in prosecution.*

Try 01031, 3052



521012700

This is a Notice for Non-Domestic Rating purposes relating to the property described above. You are requested to supply the information specified in this Notice by completing, signing and returning it to me using the pre-paid label provided within 21 days from the date of receipt by you.

This Notice is served on you under Paragraph 5 of Schedule 9 to the Local Government Finance Act 1988.

It is my belief that the information requested will assist me in carrying out functions conferred or imposed on me by or under Part III of the 1988 Act (concerning Non-Domestic Rating), including the compilation of a new Rating List, or the maintenance of the Rating List now in force.

If there is not enough space for any of your answers, please continue on a separate sheet of paper. Any such sheet should show the question number(s) and be attached to this Notice when it is returned to me.

Part A on page 2, and the declaration on this page must be

Declaration

To the best of my knowledge and belief, the information supplied in this Notice is correct and complete.

Name (in CAPITALS)
MILLS + ALLEN Ltd

Signature

Dated

Position (eg. Director, Partner, etc)
GENERAL MANAGER

Capacity in which signed:

<input checked="" type="checkbox"/> Occupier	<input type="checkbox"/> Lessee	<input type="checkbox"/> Owner
<input type="checkbox"/> Agent for Occupier	<input type="checkbox"/> Agent for Lessee	<input type="checkbox"/> Agent for Owner

2 Describe the situation of the land or premises which are used for advertising including the size of the advert permitted: (eg 48 sheet, two 96 sheets).

Hilgrove Rd Bridge
Hampstead.
1x twins.

NOT IN OCCUPATION
WITH MILLS & ALLEN
PART OF BR CUMULO
(SEE VO CIRCULAR JUNE 1993)

3 Your site reference number is:

A01 0107 01 1026

4 Please indicate your type of tenure:

Freehold Long leasehold at a ground rent Leasehold
Tenancy Licence Combination of two or more

Part B: Rent

The rest of this Notice only applies to people paying a rent, or having a lease, tenancy or licence agreement.

If this is not applicable to you please complete the Declaration on the front page and return this Notice to me.

7 (a) The current annual rent is: £

(b) The rent is paid: Weekly Monthly Quarterly Annually

(c) The date the current rent became payable under the terms of the lease or agreement is:

8 Does the rent include an amount for the following:

(a) Repairs ? Yes No

(b) Property insurance ? Yes No

If either of these payments are shared, please give details:

(c) Does the rent include an amount for any rates ? Yes No

9 (a) Does the rent stated at 7 include VAT ? Yes No

Appendix 2 – Photograph Circa 2007

