

Delegated Report

Expiry Date:

02/09/2019

Officer

Tony Young

Application Number

2019/3484/A

Application Address

278 Kilburn High Road
London
NW6 2BY

Application Type:

Advertisement Consent

1st Signature

**2nd Signature
(If refusal)**

Conservation

Recommendation:

n/a

Refuse Advertisement Consent

Proposal(s)

Display of an internally illuminated LED digital hoarding sign measuring 6.5m in width by 3.5m in height, positioned on flank wall on Kilburn High Road.

Consultations

Consultation method:	No formal consultation carried out					
Adjoining occupiers/local residents/interested parties/local groups:	No. notified	0	No. of responses	07	No. of objections	07
Summary of responses from adjoining occupiers/local residents/interested parties :	<p data-bbox="421 394 1484 461"> A local resident in Iverson Road responded objecting to the proposal as follows:</p> <ol data-bbox="475 501 1522 1124" style="list-style-type: none"> <li data-bbox="475 501 1522 1124"> 1. <i>"I strongly object to an large LED screen at this location for the following reasons:</i> <ul style="list-style-type: none"> <li data-bbox="520 577 1522 685">- <i>Kilburn High Road is an accident hotspot - adding a brightly lit LED in a dark area (entrance to Kilburn Grange Park) would certainly distract motorists even more possibly creating more collisions;</i> <li data-bbox="520 685 1522 869">- <i>This LED screen would be right across from listed "Black Lion Pub", one of the listing buildings in Kilburn. Surely adding a brightly lit LED screen next to a listed building is not acceptable, especially in the knowledge that it would create light pollution for the bedrooms of the B&B on the top floors of the Black Lion;</i> <li data-bbox="520 869 1522 976">- <i>This is across the road from the KILN Theatre (Kilburn's cultural Centre). Attention should be drawn to the Theatre and the pubs rather than to advertising;</i> <li data-bbox="520 976 1522 1124">- <i>Street lighting is very poor in this area of the High Road, thus this LED screen would be highly noticeable and distracting from the other features of the High Road, while bringing no immediate benefit to the community. Please reject this planning application."</i> <p data-bbox="421 1164 1484 1232"> A local resident in Lymington Road responded objecting to the proposal as follows:</p> <ol data-bbox="475 1272 1522 1379" style="list-style-type: none"> <li data-bbox="475 1272 1522 1379"> 2. <i>"I object because the display of insensitively designed or sited adverts can harm the appearance of a listed building, or detract from its setting."</i> <p data-bbox="421 1420 1484 1487"> A local resident in Achilles Road responded objecting to the proposal as follows:</p> <ol data-bbox="475 1527 1522 1711" style="list-style-type: none"> <li data-bbox="475 1527 1522 1711"> 3. <i>"Completely unnecessary to have this "Finchley Road" - type sign next to Grange Park. Unnecessary light pollution and as a future resident of the new development next door (Park Place), I will strongly campaign to take this down once it has been built as this will immensely frustrate residents."</i> <p data-bbox="421 1751 1484 1818"> A local resident in Rowley Way responded objecting to the proposal as follows:</p> <ol data-bbox="475 1859 1522 2042" style="list-style-type: none"> <li data-bbox="475 1859 1522 2042"> 4. <i>"I think light pollution should be more important on Camden than it is and this would be a prime example of this. It would be very good if Camden could start taking it seriously. Led lighting is very obtrusive and this large display is not suited to this area especially beside the park entrance."</i> <p data-bbox="421 2083 1484 2150"> A local resident in Aldershot Road responded objecting to the proposal as follows:</p>					

5. *“Light pollution is a problem. As is ugly signage. Please do not allow this to be installed. Instead, let’s make this area more beautiful!”*

The Campaign for Real Ale (CAMRA) Pub Protection Officer responded objecting to the proposal as follows:

6. *“I am writing as the CAMRA Pub Protection Officer for the North West London Branch and object to the planning application for installation of an internally illuminated LED digital hoarding sign at 278 Kilburn High Road. It is adjacent to the Grade II listed Black Lion public house (Historic England listing: 1379254). The LED sign would cause harm so close to this listed building and its surroundings. Historic England's heritage protection guide states "The display of insensitively designed or sited adverts can harm the appearance of a listed building, or detract from its setting. The erection of a new sign or advert of any size on or attached to a listed building would almost always require listed building consent as it is very likely to be considered an alteration that affected its character as a building of special architectural or historic interest." This proposal should also be refused because it does not comply with policy 7.1.5 of the Draft London Plan - "As set out in Policy D1 Development Plans and strategies should demonstrate a clear understanding of the heritage values of a building, site, or area and its relationship with its surroundings." Please also consult Historic England and the Victorian Society regarding this application. CAMRA urge the planning officer to refuse this application.”*

CAAC/Local groups comments:

West Hampstead Gardens & Residents Association (WHGARA) responded objecting to the proposal as follows:

7. *“From the Communities and Local Government Guidelines regarding outside advertising: “In practice, amenity is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, the planning authority will always consider the local characteristics of the neighbourhood.” The local characteristics of this neighbourhood are the entry-way to a popular and well used park and with a listed (pub) building opposite which also operates as a hotel. A LED sign measuring 6.5m in width by 3.5m in this sensitive position would damage both the amenity of the surroundings and cause significant light pollution and environmental impact. This entry to Kilburn Grange Park is especially vulnerable to commercial 'creep' from the High Road and allowing such a hoarding sign would be unwise. Please, for the sake of the community, refuse consent for this.”*

Site Description

The application site comprises a 4 storey end-of-terrace building on the eastern side of Kilburn High Road with a burger bar unit operating at ground floor level and residential (Class C3) use on the upper floors. This mix of uses is typical of the wider High Road which is generally commercial and residential in character. The host building does not sit within a conservation area and is not listed.

The application relates to the south-east facing flank or gable wall which sits within an opening or break in the built development that provides some green space and access to Kilburn Grange Park from the east of the High Road. Kilburn Grange Park is identified on Camden’s Local List (ref. 245) as

a non-designated heritage asset given its' historic importance and value to the local community as a public open space.

The gable wall is in close proximity and directly faces a Grade II* listed building (The Black Lion Public House, 274-276 Kilburn High Road), which has a large beer garden on this side connected with the normal functioning of the premises as a public house, as well as, 3 upper floors providing bed and breakfast accommodation with windows facing directly towards the flank wall of the application site.

Relevant History

Application history:

AW9902535 - The retention of an advertisement hoarding. Advertisement consent refused 24/08/1999 with a warning of prosecution action to be taken for the following reasons: (1) the advertisement hoarding by virtue of its size, scale, bulk and location appears as a dominant and incongruous feature which detracts from the amenities of the adjacent building and surrounding area; and (2) the advertisement hoarding by virtue of its size, scale, bulk and location appears as a dominant and incongruous feature which fails to preserve the setting of the listed building.

A subsequent appeal was submitted in response to the above refusal (Appeal reference: APP/X5210/H/99/1946) – Appeal dismissed dated 24/01/2000 (see Section 3 below for further details and Appendix A)

Enforcement history:

EN990303 – Advertisement hoarding. Following the above appeal, the Borough Solicitor was instructed to proceed with prosecution action under section 224(3) of the 1990 Town and Country Planning Act, Regulation 27, Control of Advertisements, to secure the removal of the unauthorised advertisement hoarding.

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

London Borough of Camden Local Plan 2017

A1 - Managing the impact of development

D1 - Design

D2 - Heritage

D4 - Advertisements

G1 - Delivery and location of growth

T1 - Prioritising walking, cycling and public transport

Camden Planning Guidance (CPG)

CPG Advertisements (March 2018) – paragraphs 1.1 to 1.15; 1.21; and 1.34 to 1.38 (Digital advertisements)

CPG Design (March 2019) - chapters 2 (Design excellence) and 3 (Heritage)

CPG Amenity (March 2018) - chapter 4 (Artificial light)

CPG Transport (March 2019) – chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)

Camden's Local List (January 2015)

Kilburn Grange (ref. 245) - page 87

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

Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

Assessment

1. Proposal

- 1.1 The proposal is seeking advertisement consent for the display of an internally illuminated LED digital hoarding sign affixed to the south-east facing flank or gable wall of the building. The proposed hoarding sign would replace an existing unauthorised hoarding sign and be fixed at a similar height at 1st floor level, the bottom of the sign would sit approximately 4.25m above street level.
- 1.2 The sign would comprise a pressed metal and reinforced plastic frame measuring approximately 6.5m in width by 3.5m in height by 0.45m deep (thickness), and with an active display area measuring 6m wide by 3m high. A new static illuminated image would be displayed every 10 seconds. The screen would be internally illuminated with a luminance level of 600 cd/m² during daylight hours and 300 cd/m² at night. The screen would be permanently active, displaying advertisements 24/7.

2. Assessment

Existing unauthorised sign

- 2.1 An existing unauthorised sign is being displayed which doesn't have express advertisement consent. It measures approximately 6m wide by 3m high and comprises a metal frame with a static illuminated vinyl image affixed over the front.
- 2.2 Advertisement consent was refused in 1999 for a sign of approximately similar size and in the same location. A subsequent appeal against this decision was dismissed in 2000 (see 'Relevant History' section above for details and Appendix A).
- 2.3 The cover letter submitted by the applicant as part of the current advertisement consent application states that the existing sign benefits from deemed consent under Class 13 of Schedule 3 of the Regulations, the site having been in advertising use for the preceding 10 years; however, no evidence has been provided to the Council in support of this assertion.
- 2.4 Notwithstanding the above, the current planning application proposals are the subject of this report and have been considered on their own merits.

Proposed internally illuminated LED digital hoarding sign

- 2.5 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to only consider amenity and public safety matters in determining advertisement consent applications.
- 2.6 The principal considerations therefore material to the determination of this application are:
- visual amenity – the design and impact of the proposal on the character and appearance of the host building, the settings of the Grade II* listed building and locally listed public park, and the wider streetscene; and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and
 - transport and public safety – the impact of the proposal on highway, pedestrian and cyclist's safety.

3. Visual amenity

- 3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings.

- 3.2 Policy D4 (Advertisements) confirms that the Council will support advertisements that preserve or enhance the character and amenity of conservation areas and heritage assets, but will resist advertisements that contribute to an unsightly proliferation of signage in the area, to street clutter in the public realm, or which cause light pollution to nearby residential properties. *“Advertisements and signs should be designed to be complementary to and preserve the character of the host building and local area. The size, location, materials, details and illumination of signs must be carefully considered. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment. The Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area.”* (paragraph 7.82 – policy D4: Camden Local Plan, June 2017).
- 3.3 More specifically with regard to digital signage, CPG (Advertisements) states that *“Digital advertisements are by design visually prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas. Factors which make a location less suitable for digital billboards include locations within conservation areas, with a uniform heritage character, near listed buildings and where the advertisement could become the most prominent feature of the street scene.”* The guidance further states that, *“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.”* (paragraphs 1.38 and 1.8 respectively – Camden Planning Guidance: Advertisements, March 2018).
- 3.4 The host property is located at the end of a relatively consistent parade of shops and frontages on the east side of Kilburn High Road. While it is accepted that all advertisements are intended to attract attention, the introduction of an illuminated digital advertisement hoarding sign in this location is considered to be wholly inappropriate as it would result in an unduly dominant and visually disruptive addition to the host property, out of keeping with the general characteristics of the locality and wider streetscene.
- 3.5 While a maximum luminance level of 600 cd/m² isn't unusual for signage commonly displayed on ground floor shopfronts facing the high street, the introduction of a digital hoarding sign in a high position to the side of the high street and on a highly prominent flank wall would be particularly noticeable and intrusive. This would especially be the case given that the hoarding would occupy a substantial part of the flank wall, its' large display area and bulky box-like appearance, and the fact that it would be permanently active throughout the day and night, displaying advertisements 24/7. The introduction of the hoarding under these circumstances would appear as an incongruous and dominant feature, severely degrading the visual amenity of the area and streetscene through the creation of visual clutter. Objections along similar lines were received and expressed by a number of local residents and group as summarised above in the 'Consultations' section of this report.
- 3.6 CPG (Advertisements) also states hoardings will not be considered acceptable *“on side walls where they would be unduly dominant”* (paragraph 1.21 – Camden Planning Guidance: Advertisements, March 2018). While the depth of the sign itself at 0.45m would appear unduly dominant in itself, no details have been provided as to how far the proposed sign would actually protrude outwards from the flank wall when fixed in place. It is noted that the existing unauthorised hoarding protrudes outwards on its' right-hand side by approximately a further 0.6m by virtue of the angle necessary for any hoarding to be orientated so as to be more widely visible from the High Road (see photographs 1 and 2 below). It is likely therefore that the proposed digital hoarding sign would need to be fixed in a similar way, so appearing even more dominant, especially from views within the locally listed Kilburn Grange Park.
- 3.7 Photographs 1 and 2 – views from within Kilburn Grange Park towards Kilburn High Road



- 3.8 The Planning Inspector concluded in paragraph 4 (see Appendix A attached) of an appeal decision in 2000 to provide a similarly sized hoarding in the same position at the application site (APP/X5210/H/99/1946) that, *“I consider, because of its size and exposed siting, the appeal unit unduly dominates the flank wall and relates poorly to the original, non-commercial character of the adjoining terrace at the upper floor levels.”*
- 3.9 It is also recognised that the flank wall of the host premises is located directly opposite and in close proximity to a Grade II* listed building (The Black Lion Public House, 274-276 Kilburn High Road), as well as, being adjacent to the entrance from Kilburn High Road to the locally listed, Kilburn Grange Park. Listed buildings are designated heritage assets and policy D2 (Heritage) aims to preserve or enhance the borough’s listed buildings, stating that, *“the Council will resist development that would cause harm to the significance of a listed building through an effect on its setting.”* The introduction of a proposed digital screen is considered to be detrimental within this setting by virtue of its’ close proximity, illumination, outward orientation and projection of light directly towards The Black Lion Public House, and as such, would be visually harmful and have an adverse impact on the special architectural and historic qualities of the listed building.
- 3.10 The Planning Inspector concluded in paragraph 5 (see Appendix A attached) of an appeal decision in 2000 when considering the impact on the setting of The Black Lion Public House of a similarly sized hoarding in the same position at the application site (APP/X5210/H/99/1946) that, *“I consider in all circumstances that the appeal unit forms a particularly strident and intrusive feature spoiling the setting of the listed Black Lion Public House.”*
- 3.11 Kilburn Grange Park is a 3.2 hectares (7.9 acres) open space that includes a children's playground, basketball court, outdoor gym equipment, tennis courts, as well as, extensive parkland available for the quiet enjoyment of the local community. The park was formerly part of the estate of The Grange which was a large house built by Samuel Were c.1831 and was opened to the public as a park in 1913. Both close and long public views looking into and out from Kilburn Grange Park would be harmed by such a highly prominent and widely visible addition (see photographs 1 and 2 above), and the sign would appear especially incongruous when viewed from within the park given the otherwise absence of signage illumination on the rear facades of buildings located on the eastern side of Kilburn High Road. In this context, a large illuminated sign would introduce visual clutter detrimental to the setting, character and appearance of the locally listed public park and open space.
- 3.12 Overall, it is therefore considered that the proposed illuminated digital advertisement by reason of its design, size, bulk, location, method of illumination, and orientation would be

harmful to the character and appearance of the host property and the wider streetscene, and fail to preserve the settings of the Grade II* listed building located opposite and adjacent locally listed public park, contrary to Camden Planning Guidance and policies D1, D2 and D4 of the Camden Local Plan 2017.

- 3.13 Special regard has been attached to the desirability of preserving the listed buildings, their setting, and the features of special architectural or historic interest, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Residential amenity

- 3.14 Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission or consent for development or alterations that would not harm the amenity of communities, occupiers and neighbouring residents. Paragraph 6.6 states that "*artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours.*"
- 3.15 The nearest permanent residential accommodation is located within the host building. This accommodation is unlikely to be adversely affected by the proposed digital hoarding given that the sign would be located on a gable wall which doesn't contain any fenestration. The proposed hoarding would be visible by residential occupiers of properties on the western side of Kilburn High Road to the south of the application site; however, they would unlikely be significantly affected given the distance between these properties and the site location.
- 3.16 Temporary occupiers of the upper floors of bed and breakfast accommodation at The Black Lion Public House and customers seated within the side beer garden would be aware of a noticeable change given the proximity and orientation of the proposed sign in relation to the windows on all floors. However, it is not possible to consider their amenity under policy A1.
- 3.17 As a consequence, it is considered that the proposal would not cause undue harm to the residential amenity of occupiers located within the host building or on the western side of Kilburn High Road, and therefore, the proposals are considered to accord with policy A1 and Camden Planning Guidance in this regard.

4. Transport and public safety

- 4.1 Policy D4 of the Local Plan states that advertisements will not be considered acceptable where they impact adversely upon public safety, including where they distract road users because of their unusual nature. CPG (Transport) also seeks to ensure that there isn't an adverse impact on the highway network, the public footway and crossover points.
- 4.2 The proposed digital hoarding sign is not considered to be harmful to either pedestrian or vehicular traffic given that the proposed location of the screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, and as such, would unlikely introduce any undue distraction or hazard in public safety terms.
- 4.3 The proposals therefore raise no public safety concerns.

5. Recommendation

- 5.1 It is therefore recommended that advertisement consent be refused for the following reason:
- 5.2 The proposed advertisement, by virtue of its size, scale, design, location, method of illumination, and orientation (facing the Grade II* listed public house) would be an incongruous and bulky feature that would introduce an illuminated fixture as well as create visual clutter at high level, detrimental to the character and appearance of the host building and wider streetscene, and fail to preserve the settings of the Grade II* listed building located opposite and the adjacent locally listed public park, contrary to policies D1, D2 and D4 of the Camden Local Plan 2017.

