

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007

DISCONTINUANCE NOTICE: EN12/0360
REGARDING LAND AND PREMISES AT 226 CAMDEN HIGH STREET, LONDON, NW1 8QS

GROUNDS OF APPEAL

1.0 Introduction

1.1 This appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against the Discontinuance Notice issued by London Borough of Camden (“the Council”) in respect of the illuminated digital advertisement on the flank elevation of 226 Camden High Street, London, NW1 8QS.

1.2 We set out below the planning history of the appeal site.

LPA Ref: 2003/0565/A - Continued display of 3 internally illuminated signs on the front and side elevations – GRANTED

LPA Ref: 2005/0934/P - Lawful Development Certificate - Use of the flank wall of the premises for the display of an advertisement panel (6m W x 3m H) in accordance with the conditions and limitations of Class 13 of Schedule 3 to the Town and Country Planning (Control of Advertisements) Regulations 1992 – GRANTED

LPA Ref: 2006/2766/A – Display of high level 48-sheet internally illuminated advertisement lightbox – GRANTED

1.3 In 2008, an illuminated digital 48-sheet advertisement display was installed on the flank elevation of the appeal site, and the flank elevation has been used for this purpose continually since then. With the flank elevation having been used for this purpose for in excess of ten years, the said use benefits from deemed consent under Schedule 3 Class 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2.0 Appeal site and surroundings

- 2.1 The appeal site is located within the heart of Camden Town Town Centre as identified on the Camden Local Plan 2017 Proposals Map. The London Plan 2016 in turn designates Camden Town as a Major Centre. No. 226, the appeal site, forms part of the designated Primary Frontage within the Town Centre, recognised and protected for its commercial retail use.
- 2.2 The frontages in and around the appeal site are generally three storey, with the ground floor being in commercial retail use. Recognised as a key strength of this part of the town centre, most retailers in the locality are independent retailers, uses that generate significant footfall and activity throughout the day and night, alongside the constantly busy Camden High Street.
- 2.3 Reflecting its independent retailer, creative industry and famed music and entertainment heritage, this part of Camden High Street is recognised for its uniquely vibrant predominantly commercial character and appearance including *“its many, highly prominent and often eclectic advertising displays”*, also a form of commercial development (excerpt taken from the Delegated Report in respect of above-mentioned application LPA Ref: 2006/2766/A, included in the Appendices accompanying this appeal). Many of these displays are found at first and second floor level (the same height as the appeal display), notable examples being at Nos. 241, 243 and 245 on the west side of Camden High Street (south of the High Street / Jamestown Rd junction), at No. 267 (opposite the appeal site), at Nos. 232 and 238 on the east side of Camden High Street (north of the appeal site), and at Nos. 269, 271, 273-275 and 283 on the west / opposite side of the High Street from the appeal site. These advertising displays are shown in the below photographs.



Fig.1 Advertising displays at Nos. 241, 243 and 245 Camden High Street



Fig.2 Advertising display at No. 267 Camden High Street



Fig.3 Advertising displays at Nos. 232 and 238 Camden High Street



Fig.4 Advertising displays at Nos. 269, 271, 273-275 Camden High Street



Fig.5 Advertising display at No. 283 Camden High Street

2.4 The appeal advertising display comprises an illuminated digital 48-sheet display installed at first and second floor level on the flank elevation of 226 Camden High Street. The below photographs show the appeal display in context in views looking north along Camden High Street, and at the corner of Camden High Street and Hawley Crescent.



Fig.6 Advertising displays at No. 267 Camden High Street (middle left) and the appeal site (middle right)



Fig.7 Advertising displays at No. 267 Camden High Street (middle left) and the appeal site (middle right)



Fig.8 Advertising display at the appeal site

3.0 Development Plan

3.1 As noted above, the appeal site is located within the heart of Camden Town Town Centre as identified in the Camden Local Plan 2017. The London Plan 2016 in turn designates Camden Town as a Major Centre. The appeal site also forms part of the designated Primary Frontage within the Town Centre, recognised and protected for its commercial retail use.

3.2 The second schedule of the Discontinuance Notice states that the digital advertisement, by reason of its size, local and illumination is an overly dominant, intrusive and discordant feature within the existing street scene, to the detriment of the appearance of the host building and the visual amenity of the existing street scene and wider area, causing substantial injury to the amenity of the locality and is thereby contrary to policy D4 (Advertisements) of Camden’s Local Plan 2017.

3.3 Policy D4 Advertisements of Camden’s Local Plan is reproduced below:

“Policy D4 Advertisements

The Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.

We will support advertisements that:

- a. preserve the character and amenity of the area; and*
- b. preserve or enhance heritage assets and conservation areas.*

We will resist advertisements that:

- c. contribute to an unsightly proliferation of signage in the area;*
- d. contribute to street clutter in the public realm;*
- e. cause light pollution to nearby residential properties or wildlife habitats;*
- f. have flashing illuminated elements; or*
- g. impact upon public safety.*

The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances.

Shroud advertisements, banners, hoardings / billboards / large outdoor signboards are subject to further criteria as set out in supplementary planning document Camden Planning Guidance on advertisements.”

- 3.4 Under the sub-heading ‘Character and amenity’, para. 7.82 of the Local Plan states, *“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.”*
- 3.5 The Council has adopted Planning Guidance relating to Town Centres and Retail and to Advertisements.

Camden Planning Guidance - Town Centres and Retail (March 2018)

- 3.6 Para. 4.2 of this guidance states, *“In line with London Plan Policy 2.15 town centres are the main foci of activity beyond the Central Activities Zone for commercial development*

intensification, including residential development. Town centres provide a competitive choice of goods and services accessible to all Londoners, particularly by public transport, walking and cycling. Together with neighbourhood centres Town Centres provide a sense of place and identity within the capital.”

- 3.7 Para. 4.2 adds, *“Camden Town is a vibrant centre, internationally renowned as a tourist destination, famous for its extensive range of markets, its wealth of independent retailers and creative industries, as well as legendary music and entertainment venues including the Roundhouse and Koko. It is also home to many residents and to numerous businesses, small and large, notably media, cultural and creative industries, attracted by the area’s unique atmosphere. Camden Town is the borough’s biggest centre with the largest range of shops and services, and is designated as a Major Centre in the London Plan. Parts of Camden Town have historic importance and have been designated as the Camden Town Conservation Area.”* Notably the locality containing the appeal site is not within the Conservation Area, and there are no listed buildings in the vicinity of the appeal site.
- 3.8 Para. 4.4 notes that the centre does not have a single character but broadly contains three parts:
- The commercial heart in the markets and around Camden Town tube station;
 - The southern section which provides more traditional ‘high street’ shopping and serves a more local role; and
 - Chalk Farm Road to the north with its mixed street frontage of restaurants, bars and specialist shops.
- 3.9 Para. 4.5 of the guidance states, *“The Council wants to build on Camden Town’s success and strong identity in order to develop a unique, vibrant, safe, and diverse centre, which offers something for everyone throughout the day and evening, whilst also creating an environment which provides a high standard of amenity for residents. Camden Town will also grow as a centre of employment, particularly for the cultural and creative industries.”*
- 3.10 In relation to Primary shopping frontages para. 4.9 of the guidance states, *“The primary shopping frontages cover the main shopping streets within Camden Town, which includes Camden High Street and Chalk Farm Road. This area is the retail heart of Camden Town and the Council’s main objective in this location is to preserve and enhance the character, function, vitality and viability of the centre, particularly its shopping function.”*

Camden Planning Guidance - Advertisements (March 2018)

- 3.11 In relation to all advertisements para. 1.8 of the guidance states, *“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.”*
- 3.12 Para. 1.9 of the guidance states, *“Generally advertisements will only be acceptable at fascia level or below. Advertisements above fascia level can appear visually obtrusive and unattractive and, where illuminated, they can cause light pollution to neighbouring residential properties. If an advertisement is required at high level for a specific business use then this will usually be restricted to non-illuminated images on windows.”*
- 3.13 We refer back to the planning assessment contained in the Delegated Report in respect of application LPA Ref: 2006/2766/A for display of a high level 48-sheet internally illuminated advertisement lightbox at the appeal site. This is relevant in that it sets out the Council’s rationale in consenting a 48-sheet internally illuminated advertisement lightbox at the appeal site above fascia level. This assessment is reproduced below.

“It is considered in this instance, that the site location in the context of a part of Camden High Street noted for its commercial character and its many, highly prominent and often eclectic advertising displays, would make it difficult to argue that the increase in the size of the sign and nature of the sign would be unacceptable. No feature of the building will be obscured by the sign. The new sign would also allow for the removal of the existing and rather unattractive posting platform.

The current sign on the site is internally illuminated and this illumination formed part of the approved Lawful Development Certificate ref: 2005/0934/P. It is therefore considered that the method of illumination proposed is acceptable. The new sign will be slimmer than the existing sign on the site.

While it is recognised that the proposed sign would not fully comply with Council’s policies, given the site history and the nature of the current lawful sign it is not considered that the proposed new sign could be reasonably resisted. The granting of this consent does not set a precedent for the approval of other large illuminated signs within Camden Town.”

- 3.14 In respect of Illumination, para. 1.13 of the guidance states, *“The illumination levels of advertisements should be in accordance with the guidance set by the Institute of Lighting Engineers PLG05 The Brightness of Illuminated Advertisements.”*
- 3.15 The guidance addresses Hoardings which include billboards. Para. 1.19 states that the following guidance will be applicable:
- “1.20 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.”*
- 3.16 The guidance addresses Digital advertisements. Para. 1.34 states, *“Digital advertisements can project video but are often used to show a still image or to cycle through a number of still images. They have the advantage of being remotely controlled by computer and being illuminated. They can be large in size or smaller (e.g. screens integrated into bus shelters).”* Para. 1.35 adds, *“Digital billboards are an effective form of advertising, although generally more costly to rent compared to traditional billboards. There is pressure for development of various kinds of digital billboards and advertising in the borough.”*
- 3.17 Para. 1.36 states, *“Proposals for digital advertisements should adhere to the best practice guidance set out in the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013).”* This best practice guidance sets out detailed considerations and requirements including siting considerations, position and orientation to the carriageway, message duration, transitions and sequencing, and lighting levels.
- 3.18 Para. 1.37 of the guidance states, *“The Council support the development of digital signboards provided they meet the criteria set out in Local Plan Policy D4 on advertisements, the guidance set out in this document, TfL best practice, and where they are located in a suitable location.”*
- 3.19 Para. 1.38 states, *“Digital advertisements are by design visual 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;*
- *Within predominantly residential areas;*
- *With a uniform heritage character,*
- *Near listed buildings; and*
- *Where the advertisement could become the most prominent feature of the street scene.*

Factors which make a location more suitable for digital billboards include locations:

- *In predominantly commercial areas,*
- *Along major roads carrying high levels of traffic, and*
- *In areas with larger buildings where signage can be integrated into the architecture.”*

3.20 Para. 3.17 above references para. 1.36 in the Camden Planning Guidance which states that proposals for digital advertisements should adhere to the best practice guidance set out in the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013).

Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (TfL Guidance)

3.21 Under the heading ‘Locations’, the TfL Guidance states, *“Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted.”*
NB. The appeal advertising display displays static digital advertising only.

3.22 In section 5 ‘Summary and Conclusion’ of the TfL Guidance the document states:

“5.2. Sites at locations with increased driver cognitive demand should not immediately be excluded or discounted, but should be subject to detailed assessment.

5.4. Controls over the use of digital adverts should follow the best practice guidelines in this report and should be secured by special condition, with more careful management required in higher risk locations. As a minimum, the OMC roadside digital code should be complied with.

5.5. Not all sites will be appropriate for advertising, but with appropriate controls, digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc)."

3.23 The OMC roadside digital code referenced above is reproduced below:

"THE CODE

- *Mirroring current roadside legislation, there shall be no moving images, animation, video or full motion images displayed unless consent has been granted for such displays.*
- *The advertising copy on digital roadside billboards should not change more frequently than every 5 seconds unless consent has been granted for such displays.*
- *The luminance level of a digital roadside billboard shall comply with the Institute of Lighting Engineers Technical Report no 5 (2003).*
- *Roadside digital displays in England will conform to the five 'Standard Conditions' specified in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, in Wales in Schedule 1 of The Town and Country Planning (Control of Advertisements) Regulations 1992, in Scotland in Schedule 1 of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, and in Northern Ireland in Schedule 1 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 1992."*

3.24 The above-referenced TfL Guidance takes a pragmatic approach to roadside digital advertisement displays, stating that static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted and that with appropriate controls, digital advertising should be no less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl, etc).

4.0 Appeal grounds

4.1 Part 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a local planning authority may take Discontinuance action if it is satisfied that such action is necessary to remedy a substantial injury to the amenity of a locality or a danger to members of the public. "Substantial injury" to the amenity of a locality is a more rigorous test than the "interests" of amenity, therefore local planning authorities are required to justify this in their statement of reasons.

- 4.2 As noted earlier, the appeal site is located within the heart of Camden Town Town Centre as identified in the Camden Local Plan 2017. The London Plan 2016 in turn designates Camden Town as a Major Centre. The appeal site also forms part of the designated Primary Frontage within the Town Centre, recognised and protected for its commercial retail use.
- 4.3 The frontages in and around the appeal site are generally three storey, with the ground floor being in commercial retail use. Recognised as a key strength of this part of the town centre, most retailers in the locality are independent, uses that generate significant activity throughout the day and night alongside the constantly busy High Street.
- 4.4 Reflecting its independent retailer, creative industry and fabled music and entertainment heritage, this part of Camden High Street is recognised for its uniquely vibrant commercial character and appearance. Inherent in this character and appearance are the *“many highly prominent and often eclectic advertising displays”* - a form of commercial development - as referenced in the Delegated Report in respect of above-mentioned application LPA Ref: 2006/2766/A. Many of these displays are positioned at first and second floor level, the same height as the appeal display, notable examples being those at Nos. 241, 243 and 245 on the west side of Camden High Street (south of the High Street / Jamestown Rd junction), at No. 267 (opposite the appeal site), at Nos. 232 and 238 on the east side of Camden High Street (north of the appeal site), and at Nos. 269, 271, 273-275 and 283 on the west / opposite side of the High Street from the appeal site.
- 4.5 The appeal advertising display comprises an illuminated 48 sheet digital display, which like the above-mentioned displays also features at first and second floor level on the flank elevation of the appeal site.
- 4.6 The Discontinuance Notice states that the digital advertisement, by reason of its size, local and illumination is an overly dominant, intrusive and discordant feature within the existing street scene, to the detriment of the appearance of the host building and the visual amenity of the existing street scene and wider area, causing substantial injury to the amenity of the locality and is thereby contrary to policy D4 (Advertisements) of Camden’s Local Plan 2017.
- 4.7 Local Plan Policy D4 requires advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building. The Council’s position is that it will support

advertisements that a. preserve the character and amenity of the area and b. preserve or enhance heritage assets and conservation areas. It will resist advertisements that: c. contribute to an unsightly proliferation of signage in the area; d. contribute to street clutter in the public realm; e. cause light pollution to nearby residential properties or wildlife habitats; f. have flashing illuminated elements; or g. impact upon public safety.

- 4.8 In relation to 'Character and amenity', the Local Plan states *"Advertisements and signs should be designed to be complementary to and preserve the character of the host building and local area. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host building and surrounding environment. The Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area."* (para. 7.82).
- 4.9 In 2006, the Council considered an application for display of a high level 48-sheet internally illuminated advertisement lightbox at the appeal site (LPA Ref: 2006/2766/A). Below is the planning assessment contained in the Delegated Report:

"It is considered in this instance, that the site location in the context of a part of Camden High Street noted for its commercial character and its many, highly prominent and often eclectic advertising displays, would make it difficult to argue that the increase in the size of the sign and nature of the sign would be unacceptable. No feature of the building will be obscured by the sign. The new sign would also allow for the removal of the existing and rather unattractive posting platform.

The current sign on the site is internally illuminated and this illumination formed part of the approved Lawful Development Certificate ref: 2005/0934/P. It is therefore considered that the method of illumination proposed is acceptable. The new sign will be slimmer than the existing sign on the site.

While it is recognised that the proposed sign would not fully comply with Council's policies, given the site history and the nature of the current lawful sign it is not considered that the proposed new sign could be reasonably resisted. The granting of this consent does not set a precedent for the approval of other large illuminated signs within Camden Town."

- 4.10 Therefore, the Council has in the past found acceptable and consented a high level 48-sheet internally illuminated advertisement lightbox at the appeal site. It concluded that, in the context of a part of Camden High Street noted for its commercial character and its many highly prominent and eclectic advertising displays, a high level 48-sheet

internally illuminated advertisement lightbox was acceptable in terms of size, nature and method of illumination. It recognised also that no feature of the building would be obscured by the display.

- 4.11 In our assessment, the appeal advertisement display – a 48-sheet illuminated digital advertising display – is also complementary to and compatible with the host building within this surrounding environment. Visually the appeal display associates with its predominantly commercial town centre context, which features many highly prominent and eclectic advertising displays, and benefits from the visual foil of the host building. The display therefore reflects rather than harms the amenity, character and appearance of the host building and locality surrounding, thereby preserving the amenity of the locality and street scene. In so doing it is acceptable when assessed against ‘Character and amenity’ considerations set out in the Local Plan (para. 7.82).
- 4.12 As noted earlier, the Council has published Planning Guidance dealing with Advertisements. In respect of Illumination, para. 1.13 of this guidance states, *“The illumination levels of advertisements should be in accordance with the guidance set by the Institute of Lighting Engineers PLG05 The Brightness of Illuminated Advertisements.”*
- 4.13 The appeal advertisement display displays static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade. The illumination brightness of the display is controlled via light sensor which monitors ambient light. During periods of darkness, the display’s illumination is restricted to a maximum brightness of 280 cdm.sq.
- 4.14 As noted above, the authority document addressing the brightness of illuminated advertisements is ‘The Institute of Lighting Professionals Professional Lighting Guide 05, The Brightness of Illuminated Advertisements’. This document includes in Table 4 therein recommended maximum luminance values for advertisements up to or over 10sq.m in area during the night in five zones, from Zone E0 (Protected, Dark environments) to Zone E4 (Urban, High district brightness) (our underlining). Relevant parts of Table 4 are reproduced below.

Zone	Surrounding	Lighting environment	Examples	Table 4: Maximum recommended luminance (cdm.sq) during the night. Over 10sq.m Illuminated area
E2	Rural	Low district	Village or relatively	200

		brightness	dark outer suburban locations	
E3	Suburban	Medium district brightness	Small town centres or suburban locations	300
E4	Urban	High district brightness	Town/city centres with high levels of night time activity	300

- 4.15 Reasonably the locality containing the appeal site can be described as an E4 Urban High district brightness environment in which the recommended maximum luminance value for advertisements over 10sq.m in area during the night is 300 cdm.sq. As noted above, during periods of darkness, the display's illumination is restricted to a maximum brightness of 280 cdm.sq, which is within the recommended maximum. In terms of illumination, the appeal advertisement display is in accordance with the guidance set by the Institute of Lighting Engineers.
- 4.16 The Lighting Guide does not contain recommended maximum levels of brightness for displays during the day time. In respect of day time use of digital screens, the Lighting Guide states, *"Media screens that may be effective during the day are likely to exceed the night time luminance limits. They will require a system that controls luminance accordingly."* The Guide adds, *"The limit of luminance to be imposed as a condition of consent should be determined by relating the details of the application to Table 4 of this Report."*
- 4.17 In relation to Hoardings which include billboards, the Council's Advertisements Planning Guidance states at para. 1.20, *"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."*
- 4.18 The locality containing the appeal site is predominantly in commercial use. In our assessment, the appeal advertisement display relates satisfactorily to the scale of the host building and its surroundings, and is designed and positioned to appear as an integral feature of the building. No feature of the building is obscured by the display. As such, the display is acceptable when assessed against para. 1.20 of the Council's Planning Guidance on Advertisements.

4.19 The Council's Planning Guidance on Advertisements addresses digital advertisements. Para. 1.36 thereof states, *"Proposals for digital advertisements should adhere to the best practice guidance set out in the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013)."* (TfL Guidance)

4.20 Under the heading 'Locations', the TfL Guidance states, *"Static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted."* As noted earlier, in 2006 the Council granted advertisement consent for display of a high level 48-sheet internally illuminated advertisement lightbox at the appeal site (LPA Ref: 2006/2766/A). Para. 5.5 of the TfL Guidance adds, *"Not all sites will be appropriate for advertising, but with appropriate controls, digital advertising should be no more or less acceptable than traditional forms of advertising (i.e. backlight, poster and paste, vinyl etc)."*

4.21 Para. 1.38 of the Council's Planning Guidance on Advertisements lists factors which make a location less suitable for digital billboards:

- *"Within conservation areas;*
- *Within predominantly residential areas;*
- *With a uniform heritage character,*
- *Near listed buildings; and*
- *Where the advertisement could become the most prominent feature of the street scene."*

4.22 In addition, the Guidance lists factors which make a location more suitable for digital billboards:

- *"In predominantly commercial areas,*
- *Along major roads carrying high levels of traffic, and*
- *In areas with larger buildings where signage can be integrated into the architecture."*

4.23 Below we reconcile the case of the appeal display with the factors listed above:

Factors which make a location less suitable for digital billboards:

- Within conservation areas; **Appellant's response** – The appeal site is not within Conservation Area, nor is it in the vicinity or setting of a Conservation Area;

- Within predominantly residential areas; **Appellant's response** – This part of Camden High Street is a uniquely vibrant predominantly commercial area;
- With a uniform heritage character; **Appellant's response** – As noted, this part of Camden High Street is recognised for its uniquely vibrant, predominantly commercial character and appearance, including its many highly prominent and eclectic advertising displays.
- Near listed buildings; **Appellant's response** – There are no listed buildings in the vicinity of the appeal site.
- Where the advertisement could become the most prominent feature of the street scene. **Appellant's response** – As illustrated in the photos following para. 2.4 above, the appeal advertisement display is reflective of the general vibrance of this part of Camden High Street, which includes many highly prominent and eclectic advertising displays referenced above.

4.24 Factors which make a location more suitable for digital billboards:

- In predominantly commercial areas; **Appellant's response** – As noted, this part of Camden High Street is a vibrant, predominantly commercial area;
- Along major roads carrying high levels of traffic; **Appellant's response** – Camden High Street comprises the central spine of Camden Town, a designated Town Centre in the Camden Local Plan 2017 and Major Centre in the London Plan 2016. In addition, the appeal site forms part of the designated Primary Frontage within the Town Centre. It is therefore a major road carrying high levels of vehicular and pedestrian traffic;
- In areas with larger buildings where signage can be integrated into the architecture. **Appellant's response** - The appeal premises are symptomatic of the locality in which frontages are generally three storey, the ground floor being in commercial retail use. The locality is characterised by the many highly prominent and eclectic advertising displays many of which are at first and second floor level, the same height as the appeal display. The appeal display does not obscure any features of the host building and in our view is compatible with the building within the surrounding environment.

4.25 In July and August 2019, the Appellant engaged with the Council proposing an alteration to the current digital display, with a view to improving the appearance of the display and site. Reflecting the latest developments in digital display technology, the proposal put forward was for a more slimline digital 48-sheet display (250mm deep), in depth terms more akin to traditional billboard posters of old. Details of this display are included in the Appendices to this Statement.

4.26 In September 2019, the Council responded to the Appellant's proposal, as follows:

“Unfortunately, the general consensus is that the advertisement panel is considered to be out of proportion and out of character in terms of its relationship with the host building and the existing townscape, by virtue of its size and appearance, therefore detracting from the visual amenity. It is the Council's opinion that the slim line advertisement panel as shown in your e-mail dated 16th August 2019 will not mitigate the Council's concerns in this regard.”

4.27 Without prejudice to the case set out hereinbefore, the Appellant maintains the offer of the more slimline display as detailed in the Appendices accompanying the appeal, for the Inspector's consideration.

4.28 As with the current display, the more slimline display would display static advertising images in sequence, changing no more frequently than every 10 seconds, the change via smooth fade. Illumination brightness of the display would again be controlled via light sensor, which monitors ambient light, and during periods of darkness the display's illumination would again be restricted to 280 cdm.sq. maximum, which is within the guidance limitations set by the Institute of Lighting Engineers.

5.0 Conclusions

5.1 The appeal advertisement display is complementary to and compatible with the host building, in our view; the display does not obscure any features of the host building. Visually the appeal display associates with its predominantly commercial town centre context, which features many highly prominent and eclectic advertising displays, and benefits from the visual foil of the host building. The display therefore reflects rather than harms the amenity, character and appearance of the host building and locality surrounding, thereby preserving the amenity of the locality and street scene.

5.2 For these reasons, the appeal display does not cause 'substantial injury to the amenity of the locality', as claimed by the Council. Respectfully, therefore, we request that this appeal be allowed and for the Discontinuance Notice to be set aside.