

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>01/10/2020</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>25/09/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Josh Lawlor			2020/3502/A		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Site adjacent to 176 Camden High Street London NW1 8QL			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Display of 1 x painted mural advert to frontage with retention of 48 sheet non-illuminated static billboard.					
<b>Recommendation(s):</b>		Refuse Advertisement Consent			
<b>Application Type:</b>		Advertisement Consent			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>			No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	No objections or comments were received from adjoining occupiers					
<b>Camden Town CAAC</b>	<p>Camden Town CAAC objected for the following reasons:</p> <p>The committee's view is that the size is too large and it is too dominant an element in the street frontage. In addition, the content is more akin to an advert than a 'mural'. The proposal is based on a graphic/ photographic montage; even if hand painted, it is too glossy and commercial and therefore would undermine the character of the market. As it is immediately adjacent to the station it is important that the artwork is of higher quality.</p> <p>We request that the applicant reduces the height of the installation and provides more appropriate content for consideration. It would be better if this could reflect the history of the market in a more authentic way. There is a history of street art to draw on, and the proposal in the current application undermines this. Unless the proposal is of a very high quality it would be inappropriate as it would neither enhance nor preserve this highly prominent junction in the Conservation Area.</p> <p><i>Officer response: see assessment below</i></p>					

## Site Description

The site is a frontage of an existing service yard situated between Camden Town Underground Station and 182 Camden High Street. A timber hoarding supports a 48 sheet non-illuminated advertisement on the site frontage which hides the services behind. There is no recorded planning history for the existing advertisement.

The site is in the Camden Town Conservation Area but is not listed. The site is specifically identified in the Camden Town Conservation Area Appraisal and Management Strategy (CTCAA) as a negative feature in the Conservation Area. The adjacent underground station is identified in the CTCAA as being a positive contributor to the streetscape. There are no listed buildings within the immediate vicinity.

The local street scene is varied, with colorful and bold frontages onto the bustling and vibrant Camden High Street. There is significant pedestrian, vehicular and general activity around the underground station and the nearby Britannia junction.

## Planning History

### Site History:

2016/3005/A (refused on 15/08/2016) Display of an internally illuminated LED digital display sign and mural surround.

#### *Reasons for refusal:*

- 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*
- 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*

Dismissed at Appeal under Ref: APP/X5210/Z/16/3160523

#### *In dismissing the appeal the Inspector made the following comments:*

- 1. The introduction of a large illuminated digital display board into this setting within the Conservation Area would be at odds with the immediate surroundings, adding a modern visually intrusive alien feature into the existing street scene. In such a prominent location adjacent to the landmark underground station, rather than enhancing the character and appearance of the locality the advertisement would be an incongruous modern, unsympathetic feature which would create a visually cluttered and dominant addition to the street scene. The appellant contends that the proposal will contribute to the character in a way that the site does not at present. However, I consider it would unacceptably*

*harm visual amenity.*

- 2. The proposed method of illumination and the effect of the changing static images would be prominent, particularly at night, constituting further visual intrusion. The level of illumination, limiting the times of illumination and other restrictions could mitigate some of the potential harmful effect of the illumination. Nonetheless, as a consequence of the matters covered above, I remain concerned regarding the overall intrusive and incongruous effect of the proposal in terms of the visual amenity of the area.*
- 3. I have considered the Camden Town CAAC comments with respect to the mural and signage. I have also considered the appellant's revised drawings which respond to the suggestions raised by the CAAC. The amendments do not lead me to a different conclusion on this main issue. There is no dispute between parties in relation to the suitability of the artistic mural surround.*
- 4. As a consequence of the combined effects of the size, location and method of illumination, I conclude that the proposal would be harmful to the visual amenity of the area and would therefore fail to preserve or enhance the character or appearance of the Conservation Area.*
- 5. Although I have concluded that the proposed advertisement would not prejudice conditions of public safety, this does not outweigh the harm to the visual amenity of the area. Accordingly, I conclude that this appeal should be dismissed.*

2015/6179/A – (refused on 01/02/2016) - Installation of 1 x digital LED display screen (3.846m x 6.596m).

*Reason for refusal:*

*The proposed digital sign, by reason of its size, siting and method of illumination would result in an overly dominant addition which would detract from the appearance and character of the streetscape and adjoining station building and would fail to preserve or enhance the character or appearance of the Camden Town Conservation Area*

AE9700774 – (part grant/part refused on 23/01/1998) - The display of non-illuminated signs on Camden High Street and Kentish Town Road frontages.

9480079 – (granted on 19/08/1994) - The display of 3 X 6 sheet 'superslim' advertisement panels on the Camden High Street frontage and 2 X 3 sheet on Kentish Town Road.

**Adjacent Sites:**

2015/5215/A – (refuse on 19/11/2016) - Installation of double-sided structure to existing bus shelter no. 0107/1029 for display of digital screen and non-illuminated static poster panel - Bus Shelter outside 167-169 Camden High Street.

2015/6179/A – (refused on 01/02/2016) - Installation of 1 x digital LED display screen (3.846m x 6.596m) - Adjacent to Camden Town Underground Station, Camden High Street.

**EN19/0300** – Enforcement Discontinuance Notice served 05/03/2020 following the installation of an illuminated digital advertisement on the flank wall of the property at 226 Camden High Street, London NW1 8QS. Appeal reference APP/X5210/G/20/3251662 Dismissed 11/11/2020.

## **Relevant policies**

### **The National Planning Policy Framework 2019**

#### **London Plan 2016**

#### **Publication London Plan 2020**

#### **Camden Local Plan (July 2017)**

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- D4 Advertisements
- T1 Prioritising walking, cycling and public transport
- G1 Delivery and location of growth

#### **Supplementary Guidance - Camden Planning Guidance**

- [Design CPG - March 2019](#)
- [Transport CPG - March 2019](#)
- [Adverts CPG - March 2018](#)
- [Amenity CPG - March 2018](#)
- [Artworks, statues and memorials CPG - March 2019](#)

#### **Camden Streetscape Design Manual**

#### **Camden Town Conservation Appraisal and Management Strategy (CTAA) (Designated 03/1997)**

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

## **Assessment**

### **1. Background**

- 1.1. There is no evidence of any express consent for the existing advertisement, however it is considered to benefit from deemed consent under Class 13 of the Advertisement Regulations. It has also been displayed for many years and therefore immune from enforcement action.
- 1.2. This application is a materially different proposal from the previously refused advert consent applications references: 2015/6179/A and 2016/3005/A (see Site History above). These proposals involved replacing the existing billboard with a LED display screen. The 2016 application involved a limited mural around the screen. Officers did not object to this mural due to its relatively modest scale which thus had a limited impact on the streetscene. The LED screens for both the 2015 and 2016 applications were considered to be detrimental to the appearance and character of the streetscape and the conservation area. The 2016 application was dismissed at appeal due to its size, sitting and method of illumination.
- 1.3. CPG Artworks, statues and memorials states that:

*“Depending on the size and location, construction or installation of an artwork or memorial may constitute development under the Town and Country Planning Act 1990 and therefore require planning permission. Artworks or memorials which are outside or will materially alter the appearance of an area or building will generally require planning permission.”*

- 1.4. An ‘advertisement’ is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

*‘Advertisement’ means any word, letter, model, sign, placard, board, notice, awning, blind, devise or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use, anything else principally used, or designed or adapted principally for use, for the display of advertisements, and references to the display of advertisements shall be construed accordingly.*

- 1.5. The current advertisement consent application seeks to increase the size of the existing hoarding / timber frontage to provide a painted mural. The non-illuminated billboard would be retained and designed to match the display of the mural surround. The lower part of the mural would remain fixed and would depict stylistic and caricatured themes of Camden Town, the canalside and the Camden Market. The upper part of the mural would display pictorial advertising related to the billboard display. Two examples are provided, one advertises ‘Song Machine’ which is an audiovisual project by British virtual band Gorillaz. The second advertises Dr Martens which is a British footwear and clothing brand.
- 1.6. The existing hoarding or frontage is 5.7m in height. The proposed hoarding with mural would have a height of 9.94m which is an increase in height of 4.24m. The mural would have a width of 11m and depth of 200mm. The existing 48 sheet static billboard would have the same dimensions as existing which is 6.3m by 3.2m.
- 1.7. 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. Assessment**

- 2.1. The principle considerations in the determination of both applications are:

- Visual amenity
- Residential amenity
- Public Safety

## **3. Visual amenity**

### Policy and guidance

- 3.1. Policy D1 (Design) of the Camden Local Plan 2017 states that *‘The Council will seek to secure high quality design in development. The Council will require development that respects local context and character, comprises details and materials that are of high quality and complement the local character; integrates well with the surrounding streets and open spaces, and contributes positively to the street frontage; incorporates high quality landscape design and preserves strategic and local views.’*

- 3.2. *CPG Design also states that 'High quality design makes a significant contribution to the success of a development and the community in which it is located. The Council requires development schemes to improve the quality of buildings, landscaping and public spaces and we will not approve design which is inappropriate to its context or fails to improve the character of an area.'*
- 3.3. *CPG Advertisements para 1.7 states that 'good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. As a general guide, the most satisfactory advertisements are those which take into account the character and design of the property, its surroundings and alter the external fabric of the host building as little as possible. Advertisements will not be considered acceptable where they adversely impact upon amenity and public safety. Para 1.9 of the guidance states that 'generally advertisements will only be acceptable at fascia level or below. Advertisements above fascia level can appear visually obtrusive and unattractive'.*
- 3.4. *The guidance goes on to state under para 1.11 that 'advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements, of whatever type, on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings.*

#### Assessment

- 3.5. *The Camden Town Conservation Area Appraisal clearly states that 'hoardings because of their size and scale are not considered acceptable forms of advertising within the Conservation Area. New development may increase pressure for more intensive advertising. This will be resisted where it is considered to detract from the character and appearance of the area.'*
- 3.6. *In dismissing the previous appeal the Inspector stated that 'the proposed signage would add further visual clutter to an already busy commercial high street in terms of advertisement, including banner advertising on lamp posts. This accumulation of advertisement would only detract from character and appearance of the street.'*
- 3.7. *Whilst the previous appeal scheme involved the installation of the LED display screen, the proposal did not increase the overall scale of the advertisement. The existing hoarding or frontage was not raised in height. The proposed advertisement would involve an increase in height of 4.24m on the existing which would create a more visually dominant and obtrusive advertisement. The increase in scale would appear very prominent, representing a visual intrusion into the street scene.*
- 3.8. *Camden High Street has wide pavements and there is a particularly open aspect along the street. As a result of the open aspect, the advertisement would be appear highly prominently in medium range views. The proposed advertisement would stand out in these views and appear obtrusive.*
- 3.9. *The existing hoarding is clearly subservient to the adjacent underground station. The top of the proposed mural would be level with the entablature of the underground station. The mural would also block views of the gable end in some views. The mural would compete with and detract from this landmark underground station. The proposal has a lack of sensitivity and regard to the underground station which makes a positive contribution to the conservation area. The proposal would cause harm to the character and appearance of this positive contributor and thus the Camden Town Conservation Area.*
- 3.10. *It is noted that reduction in scale would significantly reduce the obtrusiveness of the*

advertisement and the impact on the adjacent underground station. The applicant has not agreed to reduce the scale of the advertisement.

- 3.11. As mentioned above, the lower part of the mural would remain fixed and would depict themes of Camden Town, the canal-side and the Camden Market. The upper part of the mural would display pictorial advertising related to the billboard display. The Council do not have an in principle objection to a sensitively sized and designed mural at the site. The lower section of the mural makes some reference to the music and fashion heritage of Camden Town, in stylistic and caricature manner. However the design could be developed to be more site specific, drawing on the very significant heritage of Camden Town. The proposed designs would bring little contribution the amenity of the area, nor add to the sense of place or provide a powerful and inspiring image that draws on the significant heritage of the location.
- 3.12. Whilst the current arrangement at the location does not contribute to the amenity of the area, it is still a relatively inconspicuous feature within the streetscene. Whereas the proposed advertisement would appear highly prominent, its scale would fail to respect the character and appearance of the surrounding area. It is considered that both examples provided would cause a similar level of harm to the visual amenity of the surrounding area.
- 3.13. The proposed advertisement is dominant and visually intrusive, and would thus cause less than substantial harm to the character and appearance of the street scene and to the adjacent underground station which makes a positive contribution to the conservation area. Paragraph 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. It is considered that there are no public benefits which would follow from the development which would outweigh this harm, and as such, the proposals are considered unacceptable, and contrary to policies D1, D2 and D4 of the Camden Local Plan.
- 3.14. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

#### **4. Residential amenity**

##### Policy and guidance

- 4.1. Policy D4 (Advertisements) of the Camden Local Plan 2017 states that '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. The Council will resist advertisements that contribute to an unsightly proliferation of signage in the area, contribute to street clutter in the public realm, cause light pollution to nearby residential properties or wildlife habitats or impact upon public safety.'
- 4.2. CPG (Advertisements) also states 'Advertisement hoardings or posters will not usually be acceptable in predominantly residential areas. Advertisement hoardings or posters will not usually be acceptable in predominantly residential areas.' The guidance further states that 'The Council will resist illumination of hoardings where it is a nuisance or out of character with the area.'

##### Assessment

- 4.3. The advertisement is non-illuminated and is not located in a predominantly residential area.



The advertisement is not in close proximity to neighboring residential windows. The mural is not considered to cause undue harm to residential amenity.

## **5. Public Safety**

### Policy and Guidance

- 5.1. Policy D4 (Advertisements) states that 'Advertisements will not be considered acceptable where they impact upon public safety, including when they:
- obstruct or impair sight lines to road users at junctions and corners;
  - reduce the effectiveness of a traffic sign or signal;
  - result in glare and dazzle or distract road users;
  - distract road users because of their unusual nature;
  - disrupt the free flow of pedestrian movement; or
  - endanger pedestrians forcing them to step on to the road.'

### Assessment

- 5.2. The mural is non-illuminated and is not near a junction. Therefore the mural is not considered to obstruct road users' views or cause confusion. The proposal is acceptable in terms of impacts to public safety.

## **6. Conclusion and Recommendation**

- 6.1. The proposed advertisement is dominant and visually intrusive, and would thus cause less than substantial harm to the character and appearance of the street scene and to the adjacent underground station which makes a positive contribution to the conservation area. Paragraph 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. It is considered that there are no public benefits which would follow from the development which would outweigh this harm, and as such, the proposals are considered unacceptable, and contrary to policies D1, D2 and D4 of the Camden Local Plan.
- 6.2. As such, it is recommended that Advertisement Consent is refused.