

Enforcement Delegated Report	Receipt date:	19th April 2018
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Officer	Enforcement Case
Raymond Yeung	EN18/0293
Breach Address	Photos & Other material
Land adjacent to 156 Camden Street, NW1 9PH & 3A Prowse Place , NW1 9PH	Please see below.

Authorised Officer Signature



14/08/2020

Alleged Breach

Display of a freestanding advertisement hoarding adjacent to Land adjacent to 156 Camden Street, NW1 9PH and 3A Prowse Place , NW1 9PH

Recommendation(s): Issue a discontinuance notice

Site Description

The site forms the boundary which encloses a parcel of land between Camden Street to the west and Prowse Place to the east. The site is located within the Jeffrey's Street Conservation Area. It is not listed.

The 'Arch Co' advert has been placed on the advertisement hoarding in 2020 and does not have the benefit of an advertisement consent.

Investigation History

After first making contact with the tenant's agent in April 2018 to discuss the removal of the hoarding, but there was no movement in discussions, but they submitted an advert consent to regularise the advert under 2018/2334/A, this was subsequently withdrawn as the officer was recommending it for refusal.

Further discussion were attempted from February to July 2020 with 'The Arch Co' to negotiate its removal, however to date the sign still stands without any confirmation of its removal. However it is considered that the existing spotlights are not turned on and redundant.

Relevant policies / GPDO Category

National Planning Policy Framework, 2012

The London Plan 2016

Camden Local Plan 2017

- A1 (Managing the impact of development)
- A2 (Open spaces)
- D1 (Design)
- D2 (Heritage)
- D4 (Advertisements)

Camden Supplementary Planning Guidance

- CGP1 Design (Updated March 2018)
- CPG Advertisements (March 2018)

Jeffreys Street Conservation Area Statement 2002

Assessment

Planning history:

2018/2334/A - Display of 1x externally illuminated freestanding advertisement hoarding (with printed PVC banner to face) until 01/06/2023 – **Withdrawn**

Surround sites:

Application ref:

8680298

Refused - 1986- Camden Square Gardens.

Reason for refusal: "It is considered that the introduction of advertising hoardings of the proposed size in this location would adversely affect the appearance of the public open space and be in conflict with the Council's policy for the control of advertisements."

9180118

Refused 1991- 140-146 Camden Street.

Reason for refusal: "It is considered that the display by reason of its size and location on the building would adversely affect the visual amenity of the surrounding area."

Summary - The facts of this enforcement case are as follows:

- Billboard and the associated advertisement been on located the premises for more than 10 years.
- Previous occupiers were Warren Evans and before that Dreams, both bed retailers, now it is the 'Arch Co'
- There is no express consent for planning permission or its illumination, an application for advertising consent (2018/2334/A) made by the occupier (and advertiser) Warren Evans was withdrawn in June 2018 - the application had been recommended for refusal by officers.
- Enforcement photos show that the billboard being un-postered in early 2019. Google streetview also shows the beds advertisement on display from July 2008 to March 2018, but un-postered in April 2019.
- Officers inform that attempts to negotiate the tidying and removal of the advertisement with the owner Network Rail in 2018 and current Arch Co were unsuccessful.
- Officers consider that there are strong planning considerations for the removal of the advertisement located in the Jeffreys Street Conservation Area

Issues:

Freestanding illuminated advertisement hoarding erected.

The advertisement hoarding measures at a maximum of 8.0m from ground level upon a supporting frame, 6.05m in width by 5.5m in height and 2.5m above ground. The hoarding contained 'The Arch Co' advertisement after previously contained a 'Warren Evan's PVC banner that measures at 6.0m in width by 5.5m in height. The advertisement as mentioned above, has a flood light at the bottom of the hoarding.

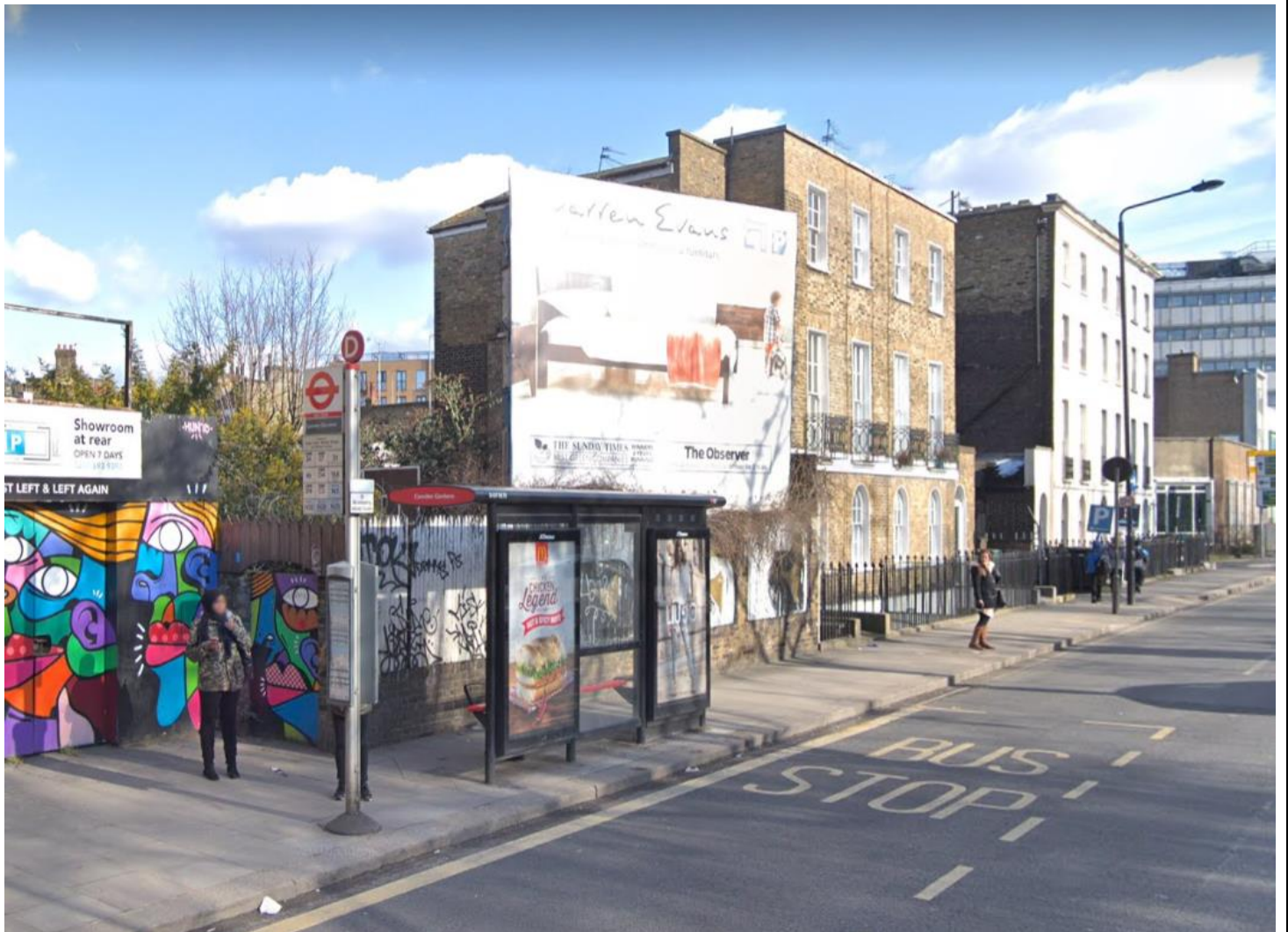


Figure 1. Advertisement Hoarding before advert place on it , May 2017-2019



Figure 2. Advertisement Hoarding -change of lease2019



Figure 3. Advertisement Hoarding -Illuminated



Figure 4. Existing Hoarding with current advert , year 2020 to date

The advertisement control system is regulated by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, SI 2007/783 (“the Regulations”)

Advertisement is defined under S336(1) of the Town and Country Planning Act 1990 (TCPA 1990) as: *"any word, letter, model, sign, placard, board, notice, awning, blind, device 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, and anything else principally used, or designed or adapted principally for use, for the display of advertisements."*

As the timber hoarding has stood with or without adverts over 10 years it is considered consider the advertisement and the poster to form a single advertisement, in accordance with the aforementioned definition the physical display structure cannot be separated from the posted poster, they are both defined as the singular advertisement.

Under the Regulations, advertisements may:

- be permitted without requiring either deemed or express consent from the LPA, ie they are excluded from direct control

- have deemed consent
- require the express consent of the LPA

Assessment

There was a smaller period where an advertisement was not in place on the advert structure. The structure has been in place since at least 2018 and its purpose is wholly for advertising purposes.

In the leading case of Winfield v Secretary of State for Communities and Local Government [2012] EWCA Civ 1415A the court of appeal found that a structure used to display an advertisement was not an advertisement unless it is used wholly or partly continually for advertising purposes.

Accordingly we consider that the advertisement and the use of the site for advertisements benefits from deemed consent.

Discontinuance notice

Regulation 8(1) of the Regulations allows action can be taken against either, one or more advertisements in the position where they are actually displayed or the use of a site for the display of advertisements.

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 the locality or a danger to members of the public. As “substantial injury” to the amenity of the locality is a more rigorous test than the “interests” of amenity, local planning authorities will need to justify this in their statement of reasons.

Assessment into the justification of a discontinuance Notice

The advert structure enables an advert of 8.0m from ground level upon a supporting frame, 6.05m in width by 5.5m in height and 2.5m above ground above ground to be displayed. The current advert in question currently has ‘The Arch Co’ advertisement on, previously it had a ‘Warren Evan’s’ bed advert for over 10 years prior to its removal when they went into administration in 2018 and was subsequently used by ‘Dreams’ for around a year shortly after.

Regulation 8 requires a statement of the reasons for taking discontinuance action. This must explain why the local planning authority considers that substantial injury to the amenity of the locality or a danger to members of the public, as the case may be, has been caused and also why it considers it necessary to serve the notice.

The reasons given should be specific to the site and leave the person displaying the advertisement in no doubt about exactly what makes the display unacceptable. If the notice specifies a particular advertisement(s), the statement should specifically address that particular advertisement(s).

Policy D4 of the Camden Local Plan 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 and host building and must be of the highest standard of design, material and detail.

CPG Advertisements details further on the different types of advertisement and their acceptability in conjunction with policy D4. CPG Advertisements states that hoardings will not usually be acceptable in predominantly residential areas and they will be controlled within conservation areas to ensure that they do not detract from the area or the character and appearance of nearby buildings.

Visual Amenity

It is considered that the advertisement hoarding is an unacceptable feature and is an excessively large and incongruous addition to the predominantly residential street scene and conservation area. The hoarding and any advertisement in this location, would be dominant due to the height of the boundary wall which essentially makes the advert positioned at first floor level. The advertisement is an alien and dominant feature harming the scale of the residential buildings (Nos.156-158 Camden Street) which adjoin the site. The current structure is out of character with the wider area and causes substantial injury to the amenity of the locality or if the advertisement poses a danger to members of the public.

Conservation Area

Nos. 156-158 Camden Street are listed as positive contributors to the Jeffreys Street Conservation Area. It is considered that the scale, siting and design of the hoarding and banner would compromise and detriment the character and setting of these positive contributors as well as the conservation area in general. In addition, the hoarding would be seen in longer views across Camden Gardens Open Space and is considered to be a detriment to the setting of this open space.

It is within a predominantly residential area and in the Jeffrey's Street Conservation Area. It fails to "preserve or enhance" the conservation area. As mentioned above, there have been two refused applications for hoardings on nearby sites:

Application reference: 8680298 (1986)- Camden Square Gardens.

Reason for refusal: "It is considered that the introduction of advertising hoardings of the proposed size in this location would adversely affect the appearance of the public open space and be in conflict with the Council's policy for the control of advertisements."

Application reference: 9180118 (1991)- 140-146 Camden Street.

Reason for refusal: "It is considered that the display by reason of its size and location on the building would adversely affect the visual amenity of the surrounding area."

The advert display currently in place is unacceptable for the same reasons as these previous applications.

With the above taken into consideration there is a cumulative impact which is seriously detrimental to the character and appearance of the conservation area and affecting the opposite public park at Camden Gardens.

Therefore it is considered that the advertisement hoarding causes substantial injury to visual amenity.

A hoarding of this scale within a conservation area adjacent to residential properties is contrary to planning policy and under current policies would not be granted consent in this highly prominent and sensitive location.

Therefore the advertisement hoarding does not comply with CPG Advertisements or policy D4 of the Camden Local Plan and causes substantial injury to the visual amenity of the wider area.

Recommendation: Issue a discontinuance notice

The notice shall allege the following breaches of planning control:

Display of a freestanding advertisement hoarding adjacent to 156 Camden Street, NW1 9PH & 3A Prowse Place, NW1 9PH

WHAT ARE YOU REQUIRED TO DO:

- 1) To totally remove the advertisement hoarding and structure at land adjacent to 156 Camden

Street & 3A Prowse Place and;

- 2) Make good any damage caused as a result of the above works and remove all associated debris from the land.

PERIOD OF COMPLIANCE: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The advertisement hoarding by reason of its scale, position, design and location is detrimental to the character and appearance of the streetscene and the Jeffreys Street Conservation Area. Including the setting of the adjacent positive contributors (Nos. 156-158 Camden Street) resulting in substantial injury to the amenity of the area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017.