

GROUNDS OF APPEAL

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

London Borough of Camden

Planning Application Reference: 2022/0963/A

226 Camden High Street

London NW1 8QS

22nd August 2022

1. Introduction

This appeal is made by London Lites Ltd against non-determination of planning application number 2022/0963/A by the London Borough of Camden.

The proposal was for a hand painted Advertising Mural on the brick flank wall of 226 Camden High Street.

Site and Surroundings

The site of this appeal is the southern flank wall of 226 Camden High Street. This building is three stories high and has a commercial premises on the ground floor. The site is in the heart of Camden Town which is a very busy and bustling prime shopping destination and an important international tourist attraction. This part of the town centre has considerable activity day and night. Camden High Street at this point is primarily commercial in character with a mix of shops, market stalls, pubs and restaurants. Many of the adjacent buildings in Camden High Street already have a range of large high level, eclectic advertisements which are highly prominent. Advertisements are very much part of the street scene and positively and significantly contribute to the unique, vibrant and colourful character of Camden Town.

Planning History and discussions with the Council

This flank wall has a long-standing use for advertising that has been established over many years. Prior to 2020 on this site there was an internally illuminated lightbox (measuring 3.4m high by 6.4m wide) that was granted advertisement consent, planning consent reference:2006/2766/A (See Appendix 3). Subsequently, the appellants understand, a digital advertisement was erected on this site by a previous operator, which has been removed. These displays did not belong to the appellant and the appellant has only been involved in this site since 2020.

Originally, before negotiation with the Council and amendments, there was a proposal to renew the original consent by our sister company Daylite LED Ltd. to reinstate the previous internally illuminated lightbox measuring 3.25 metres high by 6.3 metres wide (Reference 2021/0751/A).

The original proposal was discussed with Matthew Dempsey the case officer at Camden Council. It was indicated that the proposal may be more acceptable to the Council if the advertisement was smaller and it was incorporated into a mural. It was agreed to reduce the size of the advertisement by 66% and propose a digital screen measuring 2m wide by 3m high. The mural was to be painted at the appellants expense and the drawings were prepared and submitted as Revision C.

However, despite discussions, the previous application was refused planning consent on 27th October 2021. This decision was appealed, but subsequently dismissed on appeal reference APP/X5210/Z/21/3286829 on 10th January 2022.

2. The Proposal

Following the previous application, the appellants accept that a digital advertisement or traditional lightbox advertisement is not appropriate at this location.

During discussions with the Council the Case Officer Matthew Dempsey indicated in an email dated 3rd August 2021 (attached as Appendix 1 of this statement) that:

‘I would suggest without prejudice it would be preferable to have an entirely hand painted mural, with no screen or cladding involved. I think this would be considered more appropriate for this character and setting of the street scene.’

Consequently, the applicants have submitted this application for a hand painted advertising mural only, in line with the Councils’ preferences.

With reference to the attached drawings this proposal is to hand paint an advertising mural on the brick flank wall. The mural will therefore not protrude from the building and appear less bulky than the previous advertising display.

This mural would not be illuminated.

PROPOSED VIEW



Site: 226 Camden High Street, Camden Town, London NW1 8QS	Proposal: Mural Display	Drawing: Proposed View	Date: 07/03/2022	Draw. No. PY3995/007 rev D	Scale: Not to scale, indicative only
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Proposed hand painted mural

It is intended that this mural will be used to display advertisements for products that are sold on the premises and in Camden Market. It stands to reason that the only advertisers who would wish to have such a hand painted mural would be those advertisers whose products were available on the premises or in Camden Market. Planning consent is sought for a commercial advertising hand painted mural. This mural, whilst not specifically for Kraken, would be primarily for a product relating to Camden Market. It could be for example for clothing, shoes or drinks, which is the reason many people travel to Camden Town. It is difficult to be precise about the product that will be featured in the mural as the mural cannot be effectively marketed without an express planning consent.

Advertisements can be important to commercial shopping areas being both informative and adding interest and vitality to the street scene.

This display is thought to be appropriate and will add an element of excitement, in what is an innovative modern marketplace frequented by the young and fashionable Camden Market shoppers. An advertisement on this site has in the past added vibrancy to the locality and contributed to the unique character of Camden High Street.

Advertisement displays in commercial areas can contribute to a lively, vibrant, modern and successful economic area and the messages help support retail activity. The large range of existing eclectic advertisements in Camden High Street make a substantial contribution to the vibrant Camden Market atmosphere and in turn attract visitors and tourists to the area.

Camden High Street is a city centre area with a thriving economic environment and there is certainly a demand for this type of commercial advertising.

Outdoor Advertising is essential to commercial activity in a free and diverse economy and is an important part of a healthy economy stimulating consumer demand, attracting investment and in turn creating jobs and generating tax revenues.

3. National Planning Policies

National Planning Policies and in particular Planning Practice Guidance Paragraph 038 (Revised 6th March 2014) relates to subsequent modifications to advertisements with express consent. We submit that this proposed modification will not materially alter this site that was previously approved for advertising. The guidance also suggests that it would be reasonable for a local authority to allow minor changes particularly if the size of the advertisement remains the same.

It is believed that this hand painted mural is similar in principle and nature to the advertisement that was granted consent in 2006 and it is submitted that this also will not materially alter the site.

National Planning Policies and in particular Planning Practice Guidance Paragraph 079 (updated 06 03 2014) states that an advertisement 'would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.'

We believe this proposal, in this neighbourhood, adheres to these amenity criteria. Camden Town is designated as a Major Centre in the 2021 London Plan. Camden High Street is a predominantly commercial, well-lit main road and the area has large buildings and an elevated railway line of a substantial scale. The neighbourhood is a city centre location and the site is part of a prime shopping frontage. The previous advertisement and the proposed mural contribute to the vibrant street scene. The backdrop for the advertisement is therefore of an entirely commercial nature.

Planning Practice Guidance (Updated March 2014) Paragraph 067 states that 'There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality'. We believe this site on a main road corridor in a commercial locality, conforms to these criteria and it is submitted that the advertising mural does not present a highway safety issue. There is no change of the display nor illumination of the mural.

The proposed mural does not obscure or conflict with any other road signs or signals and the long range of visibility gives drivers ample time to assimilate the advertisement material within their normal field of vision. This type of advertising mural is a common feature in Camden Market and almost all of the surrounding buildings have similar hand painted murals on their frontages and it is believed that they do not present a road safety hazard.

4. Likely decision of Camden Council

In an email dated 1st June 2022 Matthew Dempsey from the London Borough of Camden has indicated that, despite his previous advice, the proposal would be refused consent by the Council (See Appendix 2). More than eleven weeks have elapsed since this correspondence and despite chasing emails by the appellants requesting a final decision, no planning decision notice has been issued.

5. Grounds of Appeal

Non-Determination

The grounds for this appeal are the non-determination of the original planning application within the 8-week statutory period. This was a straightforward planning application for consent to display an advertising mural and at the time of writing more than 23 weeks have elapsed since the application was submitted. The appellants have not agreed a time extension for the determination of this application and Camden Council have not issued a decision notice.

Consistency in Planning Decisions

An illuminated lightbox advertisement was granted express planning consent on this site in 2006. We submit that the previous express consent on this site is an important material planning consideration. This may indicate that this appeal site is suitable for advertising. In addition, there has been an advertising display on the appeal site for some twenty years prior to the original planning application.

The appellants believe that nothing on this site or in this part of Camden High Street has substantially changed in the period since 2006 when an advertisement was granted consent. We believe that this proposal will be less prominent in the street scene than the previous illuminated advertisement as it is non-illuminated.

Furthermore, as referred to above, this proposal conforms to paragraph 038 of the Planning Practice Guidance relating to modification of advertisements with express consent.

It is the appellants view that a consent decision would be consistent with the previous 2006 decision, as this flank wall is suitable in principle for advertising, particularly a non-illuminated mural. Almost all of the surrounding buildings have similar murals or graphics. It is believed that consistency is a well-established principle of planning law. Consistency is important in securing public confidence in the development control system.

Size and Scale

It is submitted that size and scale are a legitimate planning consideration. The host building at the southern end is 3 storeys and more than 12 metres high. All the surrounding buildings are between 3 and 4 storeys high. It is suggested that the scale of the host building and surroundings is sufficient to accommodate an advertising mural such as this and beyond the site, in the immediate vicinity, there are also large buildings of a substantial scale. The mural will be viewed set against the predominantly commercial backdrop of Camden Market.

We suggest therefore that the scale and size is therefore not excessive or inappropriate and we believe that the elevation of the host building and surrounding buildings are of a sufficient scale and size to accommodate this advertising mural.

Prominence and Visual Dominance

It is accepted that all advertisements by their nature are designed to be prominent. However, as this mural will be hand painted on the brickwork of the host building, it will appear as integral to the building rather than an addition attached to the building.

The flank wall will then appear similar and match the advertising material on the flank wall at 267 Camden High Street, immediately opposite on the other side of the road. It is proposed that both the appeal site and 267 Camden High Street, which are viewed together on approach, will have some uniformity and contain advertising material as part of the street scene. Almost all of the buildings on this parade and the parade opposite on Camden High Street have similar murals and other advertising devices on their frontages. It is these varied and bohemian advertisements that form the very character of Camden Town.

It is understood that the previous appeal decision on this site referred to above, (Ref: APP/X5210/Z/21/3286829) considered that it was primarily the digital advertising display that was unacceptable in the previous proposal. The appeal decision noted that:

‘The incorporation of a painted mural also seeks to integrate the proposal with the area and reflect the artistic character’ and ‘the proposed mural would go some way to assimilate with its surroundings’

It is thought by the appellants, that the previous inspector considered that a mural may possibly be more acceptable in this location rather than a traditional illuminated box-type advertising display.

The advertising mural will be near to the roadside and existing commercial activity and will not be overly prominent or dominant, but set against a backdrop of bustling activity and existing high level eclectic advertisements. This proposal will not be out of place in this environment and will blend seamlessly into the surrounding advertising material.

Existing Visual Amenity and Street Scene

The appeal site is not in a Conservation Area, nor is a Listed Building.

The hand painted mural will not obscure any architectural or noteworthy features of the host building. As there have been advertisements on this flank wall for many years it is submitted that the current proposal will not cause additional harm to the host building.

We believe that because of the relatively plain nature of the brickwork of the flank wall with no particular features, that the advertising mural will provide some visual relief to an otherwise relatively bland gable end. The advertising material will make a positive contribution to the visual amenities, adding some colour, vitality and interest to the appearance of the appeal site and support retail activity for local advertisers. The hand painted mural will improve the appearance of the flank wall and result in the removal of the existing graffiti on the wall. There will also be periodic maintenance of the mural which will positively improve the appearance of 226 Camden High Street. Advertising plays an active role in the regeneration of the High Street.

It is believed that the existing advertisements and displays at first and second floor level in Camden Town actually provide a significant part of the character of this part of Camden Town. Many are artistic and 'funky' some are illuminated and it is thought their nature appeals to the young and fashionable shoppers that frequent Camden Market. This proposal is to introduce a well-designed high quality advertising mural into this environment. The mural as proposed will provide some artistic content to the flank wall and it is thought that as a whole this scheme will integrate into the street scene. In all the circumstances it is believed that the hand painted mural is appropriate and will not cause harm to the visual amenities.

Highway Safety

In matters of highway safety, the primary consideration is the likely behaviour of drivers on seeing the mural on the approach to the appeal site. The potential for distraction is less likely in areas where the presence of advertising is common. On Camden High Street drivers are used to seeing advertising imagery including digital displays on bus shelters and street furniture and the many other advertisements associated with retailers in the vicinity. It is therefore less likely that drivers will be easily distracted by this advertising mural. It is understood historically, there has been advertising on this flank wall without complaint for many years and has not been directly linked to any highway or public safety issues.

Camden High Street is a wide straight one-way road as this point. The surrounding area is predominantly commercial in nature, and the highway network is subject to a 20mph speed limit and is lit. This will ensure that the proposed mural does not obscure or conflict with any road signs or signals and the long range of visibility gives drivers ample time to assimilate the advertisement material within their normal field of vision. It is believed that the advertising mural does not interact with the sightline of drivers proceeding on Camden High Street.

In discussions concerning the previous planning application (Reference 2021/0751/A) the Council were concerned that advertising at this site may be a road safety hazard. The appellants therefore commissioned an analysis of the accident data at this location and submitted a road safety report from Vectos. This report was attached to this planning application as document 008 and details the relatively low accident statistics of this location and provides useful data concerning highway safety on Camden High Street.

Vectos concluded in this Highway Safety Report that advertising at 226 Camden High Street would not adversely impact on driver or pedestrian distraction, and does not present a risk to road safety or a danger to road users. It is therefore considered that there are no significant transport reasons why the development proposals should not be granted planning permission.

6. Conclusion

It is the appellants view that a consent decision would be consistent with the previous 2006 decision, as this flank wall is suitable in principle for advertising, particularly a non-illuminated mural on this primary shopping frontage in this city centre location.

Advertising was not considered to cause harm to the character and appearance of the host building and street scene in 2006 and due to the long history of advertising on this site we would argue that this mural together with other advertisements make a significant contribution to the unique vibrant character of this part of Camden Town.

The appellants have received consistently poor and incorrect planning guidance from Camden Council and as a result of acting on this advice, have spent a considerable sum of money on planning applications, drawings and safety reports. The appellants have made every effort to propose a scheme that would be acceptable to the Council and we submit that this non-illuminated mural should be appropriate in the interests of visual amenity and highway safety.

It is these eclectic and bohemian murals and advertisements that form the very unique character of Camden Town. This hand painted mural proposal will not be out of place in this environment and will blend seamlessly into the surrounding advertising material and the mural will be directly viewed against the commercial backdrop of Camden High Street.

Appendix 1



Matthew Dempsey

RE: 226 Camden High Street - Advertisement consent 2021/0751/A

To: tony reade

Inbox - Google 3 August 2021 at 10:10



Dear Tony,

[RE: 226 Camden High Street - Advertisement consent 2021/0751/A](#)

Thanks for your e-mail and call. Apologies for the delay to respond back following the options you have sent.

I have had discussions with my senior colleague about these adverts and they are not supportive of the adverts as proposed.

There is concern about the proposed screen due to the public safety implications of placing the advert in this location.

There is also concern about the proposed cladding to display the mural as shown, as there would be no control over the imagery displayed under advertisement regulations, and there is concern regarding the bulk of this installation.

I would suggest without prejudice it would be preferable to have an entirely hand painted mural, with no screen or cladding involved. I think this would be considered more appropriate for this character and setting of the street scene.

If you would like continue discussions regarding this proposal, I would like to convert the application to a pre-app whereby we might explore further possibilities. Alternatively you could withdraw the current application and re-consider.

I will call back in a moment, but wanted you to have this in writing also.

Kind regards,
Matthew

Matthew Dempsey
Planning Technician

Telephone: 0207 974 3862



The majority of Council staff are continuing to work at home through remote, secure access to our systems. Where possible please communicate with us by telephone or email.

Appendix 2



Matthew Dempsey

RE: 2022/0963/A- 226 Camden High Street - Mural Advert application

To: tonyfreade@gmail.com

Inbox - Google 1 June 2022 at 11:20



Dear Tony,

[RE: 2022/0963/A- 226 Camden High Street - Mural Advert application](#)

I have discussed the re-submitted scheme with colleagues and I'm afraid we are not in favour of this approach either. Whilst this scheme as shown on the proposed plan is preferable to the previous options, it is not considered to be in keeping with the character of local adverts, and shall therefore be recommended for refusal. For the avoidance of doubt, the wall mural on the opposite side of Camden High Street does not have consent and I understand that enforcement action shall be instigated to address this.

I will provide the final decision notice to you asap. Should you prefer to withdraw, please let me know? Thank you.

Kind regards,
Matthew

Matthew Dempsey
Planning Officer

Telephone: 0207 974 3862



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Appendix 3

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Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1975
Textlink 020 7974 6866

env.devcon@camden.gov.uk
www.camden.gov.uk/planning

Clear Channel UK Ltd
33 Golden Square
London
W1F 9JT

Application Ref: **2006/2766/A**
Please ask for: **John Carter**
Telephone: 020 7974 5809

17 November 2006

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992

Advertisement Consent Granted

Address:
226 Camden High Street
London
NW1 8QS

Proposal:
Display of high level 48-sheet internally illuminated advertisement lightbox.
Drawing Nos: Drawing Nos: Site Location Plan; Ground Plan; Elevation; Specification
Sheet 1; Specification sheet 2; 01 Photo Sheet; Panel Information

The Council has considered your application and decided to grant consent subject to the following condition(s):

Conditions and Reasons:

- 1 This consent shall operate for a period of five years from the date of this decision letter.

Reason: In order to comply with Regulation 13(5) of the Town and Country Planning (Control of Advertisement) Regulations 1992.

- 2 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of



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