

**TOWN AND COUNTRY PLANNING (CONTROL
OF ADVERTISEMENT) REGULATIONS 2007**

**APPEAL BY MARK WILKINSON OF INFINITY
OUTDOOR AGAINST THE REFUSAL OF
CONSENT OF ADVERTISEMENT APPLICATION
2015/5487/A BY CAMDEN COUNCIL IN
CONNECTION WITH THE ERECTION OF A
TEMPORARY COMMERCIAL BANNER ON THE
NORTH ELEVATION OF THE TOWN HALL
ANNEXE, EUSTON ROAD / ARGYLE STREET,
LONDON, CAMDEN, WC1H 9JE**

**APPEAL STATEMENT ON BEHALF OF THE
APPELLANT**

APPEAL REFERENCE: APP/X5210/2/16/3145897

March 2016

TOWN PLANNING SERVICES

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1 Introduction

1.1 This appeal statement has been produced by planning consultant Susan Jones BA (Hons) BPL MISoCaRP MEWI Affiliated Member of RIBA who has 34 years of experience as a planning consultant specialising in outdoor advertisement control. Although Mrs Jones did not act as agent in connection with the subject application she was instructed by the Appellant in November 2015 in the light of receipt of correspondence from planning officer Mathias Gentet who was appointed by Camden Council to deal with the application. She has been advising the Appellant ever since including in connection with the lodging of this appeal against the refusal of advertisement consent by way of a decision noticed dated 15th January 2016. It is confirmed that Mrs Jones has visited the Appeal Site and its surroundings and is familiar with the character of the area within which the Appeal Site is located. This statement should be read in conjunction with the Transportation Statement produced by Croft Transport Solutions which is also submitted in support of this appeal.

1.2 The Appellant submitted the advertisement application to Camden Council on line by way of a form which was dated 28th September 2015. The description of the proposed advertisement was as follows:

"An illuminated open weave banner mesh upon a temporary scaffold, during the temporary period of the redevelopment of Camden Town Hall Annexe".

1.3 Various drawings accompanied the application which depicted the proposed temporary banner and associated lighting. Also submitted was a report by The Appellant which set out what he considered to be the planning merits of the proposal.

1.4 On 30th September 2015 the Appellant received an email from Gentet Matthias, a "planning technician" based in the council's Planning Solutions Team who confirmed that he was the officer dealing with the application which at that point had yet to be registered. A copy of the email forms Appendix A to this appeal statement. The email required a number of changes to the submitted documents but the key points raised concerned the proposed illumination and scale of the proposed banner and concluded:

"You are therefore advised to amend your proposal taking into account the various points raised above to be more sensitive and appropriate for the location by reducing the size of the advertisement so that it does not exceed 10% of the whole elevation and by removing the illumination from the proposal."

1.5 The Appellant responded to that email by way of a letter dated 12th October 2015 and a copy of that letter now forms Appendix B to this appeal statement. A location plan identifying the position of the proposed banner along with the extent of the scaffolding to be erected accompanied the letter together with an OS extract at a scale of 1:1250 identifying the extent of the Application Site. Also submitted was a "Chart of Works" which set out the time line for the

installation of the scaffolding. The Appellant also set out in his letter justification for the retention of the proposed illumination and the scale of the temporary banner as applied for. A response to the Appellant's letter from the planning officer dated 14th October stated:

"The council's position in relation to your proposal is to refuse it as submitted. Any approval will be considered based on the amendments recommended in my original email dated 30th September. Policies are in place to provide guidance when assessing any given proposal and are to be followed, adhered to and implemented by applicants/agents and the council. They are not to be ignored or overlooked..."

Unless the above items are provided, your application, as it stands, is to be refused."

A copy of the email forms Appendix C.

- 1.6 The application was not however validated by the council until 4th November 2015 and a consultation expiry date was set for 30th November 2015. A response was made in connection with the consultation process by Transport for London (TfL) by way of an email dated 25th November 2015 and a copy of that email now forms Appendix D to this appeal statement. The Appellant was surprised by the information being requested as all the information had already been submitted to the council and was placed on its web site with the exception of the scaffold licence. In an email from the Appellant to the planning officer dated 30th November 2015 (see Appendix E) he relayed this and also confirmed that at that point in time it could not be provided "... As the build of the scaffold has not yet commenced. The scaffold licence would be provided, if needed at a later date once the redevelopment of the host building actually starts.". A response was received from the planning officer on 1st December 2015 and a copy of that email now forms Appendix F. Within that correspondence the following is stated:

"My recommendations for the refusal of the proposal are now with the senior planner or checking. A manager will have to sign of the decision and the report."

- 1.7 The Appellant wrote again to the planning officer on 16th December 2015 asking him when the decision will be issued (see Appendix G). Further chase up emails were sent on 17th, 18th and 30th December 2015 and 5th January 2016 respectively and copies of those documents are attached as Appendix H. On 5th January 2016 the Appellant was copied into an email the planning officer sent to a colleague called Seonaid Carr who he confirms had been sent the draft decision on 26th November 2015. Within the email he asks his colleague to deal with it as a matter of urgency "... This is the fourth email has sent me asking for his decision." A copy of that correspondence forms Appendix I to this appeal statement.

- 1.8 The expiry of the eight week period following the validation of the application was 6th January 2016 and following that date and still no decision forthcoming

the decision was made to start to prepare an appeal on the basis of non determination. However whilst the work was ongoing the Appellant received the decision which was dated 15th January 2016 and a copy of the decision notice is now attached to this statement as Appendix J. Also attached as Appendix J is the planning officer's report. It is only upon receipt of the decision notice and reviewing the officer's report that it came to light that the council's concerns included public safety.

- 1.9 The officer's delegated report was prepared by Matthias Gentet. Under the heading of "*Relevant History*", the officer deals first of all with the planning history of the Appeal Site and includes reference to application 2011/5760/A which involved "*Display of an externally illuminated shroud advertisement between the 1st floor and roof level facing Euston Road for a period of 4 months (01/06/2012 - 30/09/2012) during the Olympics. (Not implemented).*" He then goes on to deal with the planning history of "*Adjacent Sites*" involving proposed shroud advertisements on sites on Euston Road, Pentonville Road and Grays Inn Road after which he comments:

"It must be noted that the Council has resisted similar proposals in recent years all over the borough. However, non illuminated shrouds and advertisements have received positive outcomes."

He then goes on to list "*non - illuminated shrouds and advertisements which have been approved*", "*illuminated shrouds and advertisements which have been refused*" and "*list of shrouds and advertisements which have been refused and dismissed on appeal*".

The report then goes on to refer to "*Relevant policies*" which includes "*Core Strategies Policies*", "*Development Policies*", "*Camden Planning Guidance 2015 (As amended)*", "*Kings Cross St Pancras Conservation Area Appraisal*", "*Bloomsbury Conservation Area Appraisal*". He then goes on to list the following documents:

"National Planning Policy Framework 2012

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

The London Plan 2015 (Consolidated with amendments since 2011)

Planning Enforcement Initiative to remove unsightly advertisement hoardings in the Borough".

- 1.10 Under the heading of "*Assessment*" it is commented at para 1.3:

"Amendments was sought to have the size of the advertisement reduced to be occupy no more than 10% of the whole elevation as well as the removal of the external illumination which was rejected. Additional information were also request but not provided".

As far as the Appellant is concerned all information requested by the council was provided as outlined above.

1.11 Para 1.5 went on to state:

"There is a discrepancy between the measurement details provided in section 11 of the application form and the measurements taken from the drawings. The details as shown on the plans – which for any approval normally form part of any approved documents unlike the application form – have been used to assess the proposal against the relevant policies".

The discrepancy referred to has come to light in the preparation of this appeal and the council has correctly considered the proposal in relation to the submitted drawings and not the application form. The nature of the appeal proposal will be dealt with in depth in Section 4 of this Appeal Statement.

1.12 Just prior to the section of the planning officer's report which deals with issues of "Amenity" it is stated:

"The Town and Country Planning (Control of Advertisement) Regulations 2007 permits the council to only consider amenity and public safety matters in determining advertisement consent applications".

At paragraph 3.6 it is stated:

"Although the shroud itself is justified in its erection by being fixed to scaffold required for the purpose of building works, and as such, is considered acceptable in terms of its size, design and location, and in accordance with policies, the same cannot be said of the externally illuminated advertisement. The previous temporary approval for the same site was justified by direct links to the Olympics, which was considered to be of such importance and for such a short time period as to justify an exception. In any event it was not implemented. The same exception does not apply to this application".

The document then goes on to consider the nature of the proposed advertisement and makes particular reference to it's scale and illumination and concludes the Amenity section by stating: –

"It is considered that the proposal as submitted would be such that, by virtue of its size, scale, design, location and in conjunction with its method of illumination, would be unduly dominant and detrimental to the appearance and character of the King's Cross and adjacent Bloomsbury Conservation Areas, the host building and the streetscape and would be harmful to the setting of adjacent listed buildings".

1.13 Under the heading of "Public Safety" the document then goes on to consider the proposed introduction of the 9 no floodlights which would illuminate the proposed advertisement and comments at paragraph 4.1: –

"The addition of 9 x floodlights above the proposed signage is considerable in their number and unjustified. The level of illumination generated would be such that it would inevitably distract the attention of any road users – be it lorry/bus drivers, motorists, cyclists and even pedestrians".

- 1.14 The report is concluded with a recommendation for refusal with paragraph 5.1 stating: –

"The proposed advert is considered to be detrimental to the conservation area, the streetscape, the host building and harmful to the setting of surrounding listed building contrary to Local Development Framework policies CS 14 (promoting high quality places conserving our heritage), DP24 (securing high quality design) DP25 (Conserving Camden's Heritage) and DP 26 (Managing the impact of development on occupiers and neighbours) and the application is therefore recommended for refusal".

The Recommendation was followed through in the decision notice but the reasons for refusal differed by stating: –

"1. The proposed advert, by virtue of its excessive size, visually prominent location and method of illumination would result in an overtly dominant addition which would be harmful to the visual amenity of the streetscene, the character and appearance of the conservation area and the setting of the surrounding listed buildings, contrary to Camden's Local Development Framework Core Strategy policies CS 5 (Managing the impact of growth) and CS 14 (promoting high quality places and conserving heritage), and Camden's Local Development Framework Development Plan policies DP24 (Securing high quality design) and DP 25 (Conserving Camden's Heritage).

2. The proposed advert, by virtue of its size, illumination and prominent location, would cause undue distraction to vehicular traffic and pedestrians causing conditions which are prejudicial to highway and pedestrian safety, contrary to Development Policy DP 21 (Development connecting to the highway network) of Camden's Local Development Framework."

2 The Appeal Site and Its Surroundings

- 2.1 The Appeal Site comprises the building known as the Town Hall Extension and more particularly the northern elevation of that building which lies to the south east of Euston Road (which it fronts) and adjoins the junction where that highway meets Argyle Street.

- 2.2 Photographs 1 - 7 are attached to the rear of this submission which show the building which has eight storeys including the ground floor together with a roof area which is inset. The first floor overhangs the pavement on the ground floor and on a recent site visit provided a covered area for people "sleeping rough" on the street (see photograph 1). It is a modern construction (built 1977) and is connected to the original town hall building (only 3/3 storeys high in contrast) by several horizontal concrete structures which provide walkways

between the two (see photograph 7). Given its scale, design and in particular fenestration detail it has a dominant impact on the Euston Road street scene as is evident from attached photographs 2 and 5. Furthermore, architecturally it is in complete contrast to neighbouring buildings such as St Pancras Railway Station and the former Midland Grand Hotel opposite (see photograph 4). Under the heading of “*site description*” of the aforementioned planning officer’s report (see Appendix J) it is confirmed:

“The host building is on modern design more commonly called “brutal architecture” connected to the adjacent Grade II listed Town Hall by an enclosed concrete link at second and third floor level ...”

This is not disputed. Its Brutalistic Architecture was intended to make it appear “uncomfortable” with its surroundings.

- 2.3 In the officer's report relating to advertisement application 2011/5760/A (to be addressed in detail below) the following commentary is made with respect to the area within which the Appeal Site is located:

“The immediate vicinity along Euston Road is commercial in nature, with some residential uses in the streets branching off. Buildings such as St Pancras station, the Novotel, the former and existing Unison Headquarters, and the Town Hall Extension itself, are quite large, and the other buildings along Euston Road are regularly five or six storeys, as such the site does not stand alone and does not dominate the locality.”

This assessment is not disagreed with although the view is taken that the building has a greater prominence on the street scene as set out in the Kings Cross Conservation Area Statement (see below). It is however also added that Euston Road is a very busy highway at all times of the day and night and as is evident from attached photographs 2 and 6 for example is well illuminated during the hours of darkness by tall lighting columns.

- 2.4 A number of listed buildings are located in the vicinity of the Appeal Site including the connecting Town Hall Building (Grade II). They are listed as follows, their location identified on the attached Plan SJ1 and listing description forms Appendix K:

- Camden Town Hall - Grade II
- Great Northern Hotel and attached railings - Grade II
- St Pancras Station and Former Midland Grand Hotel - Grade I
- K6 Telephone kiosk outside of St Pancras Hotel - Grade II
- Numbers 7 - 19 and attached railings, Argyle Street - Grade II
- Numbers 12-36 and attached railings, Argyle Street - Grade II

- 2.5 The Appeal Site and its surroundings fall within the King's Cross Conservation Area and a copy of the King's Cross Conservation Area Statement (22) forms Appendix L to this appeal statement. The document was approved at Executive Committee in December 2003 and is therefore 12 years old. The conservation area was originally designated in 1986 and has been enlarged on several occasions since. Paragraph 3.6.3 of the document confirms that

the St Pancras Town Hall (now Camden Town Hall) was constructed in 1935. At paragraph 3.7.2 it is confirmed that Camden Town Hall was extended in 1977 to the east (i.e. the Appeal Site). The Appeal Site falls within "Sub Area 3: Euston Road". At paragraph 4.2.97 specific reference is made to the Appeal Site:

"The eight storey Town Hall Annexe to the east of the Town Hall is particularly prominent in the street scene. The addition was built in 1974 and is constructed of concrete with five curved bays containing large single paned windows and a taller western stairwell. At ground floor level, the building is significantly recessed beneath the overhanging first floor".

As is evident, the date of 1974 referred to is not consistent with the earlier reference to 1977 as the building's completion date. However for the purposes of this appeal this inconsistency is not considered to be material. The statement deals with Advertisements within the Conservation Area at page 66. Reference is made to the former 1992 advertisement regulations. Paragraph 7.20.2 states:

"The council may consider temporary advertisements where these are of high quality, where demonstrable longer term benefits will arise for the character and appearance of conservation areas directly as a consequence of their display."

- 2.6 Immediately to the south of the Appeal Site is the northern boundary of the Bloomsbury Conservation Area. That boundary line appears to dovetail with the boundary of the Kings Cross Conservation Area. The boundary is identified on plan SJ1. The Bloomsbury Conservation Area is specifically referred to at para 3.10 of the planning officer's report commenting at para 3.10:

"It is considered that the proposal as submitted would be such that, by virtue of its size, scale, design, location and in conjunction with this method of illumination, would be unduly dominant and detrimental to the appearance and character of the King's Cross and adjacent Bloomsbury conservation areas..."

In the subsequent recommendation at paragraph 5.1 it is stated that: –

"The proposed advert is considered to be detrimental to the conservation areas..."

However, in the decision notice, reason for refusal 1 comments that the proposal: *".. would be harmful to the visual amenity of the street scene, the character and appearance of the conservation area..."*

Given the proposed siting of the appeal proposal it is considered that it would not be visible from within the Bloomsbury Conservation Area or form part of its setting. It is therefore not considered that it is a material consideration in the determination of this appeal. The assumption has also been made that this

view was shared at the point of determining the advertisement application when ultimately only the Kings Cross Conservation Area was considered to be a material consideration.

- 2.7 The Application Site has recently been the subject of a number of successful planning applications within the last 12 months:

Ref: 2104/7874/P – Change of use from council offices (sui generis) to hotel (class C1) and alterations to the building including removal of roof top plant, an extension at roof level and alterations to façade. Granted – 16-01-15.

Ref: 2014/7875/L – Reinstatement of the façade at ground level following demolition of Camden Centre entrance extension. Granted – 16-01-15.

Ref: 2014/7876/L – Demolition of existing staircase and bridge link and the reinstatement of the façade to east elevation of Camden Town Hall. Granted – 16-01-15.

It is the works associated with these permissions which require the erection of extensive scaffolding around the Appeal building and which is the subject of consideration in relation to the proposed temporary advertisement (this appeal). Since the submission of the application there has been some slippage with the erection of the scaffolding and at the point of lodging the appeal the scaffolding is not yet in place. As a result an updated schedule of works has been produced and a copy of that schedule is now attached as Appendix M to this appeal statement. The erection of the scaffolding is now anticipated to commence by the end of March 2016 with the completion of the project by December 2017 and handover of the hotel on 15th December 2018.

3 Planning History

- 3.1 The only relevant planning history associated with the Appeal Building relates to an advertisement application ref: 2011/5760/A made by the Culture and Environment section of Camden Council which sought advertisement consent for the erection of an externally illuminated shroud advertisement between the 1st floor and roof level for a period of 4 months (01/06/2012 - 30/09/2012) during the 2012 Olympic Games. Advertisement consent was granted by way of a decision notice dated 16th February 2012 and a copy of the submitted documents which are available on the council's website, the decision notice and associated officer's report are attached as Appendix N to this Appeal Statement. As confirmed at paragraph 1.2 of the officer's report the advertisement comprised the following:

"... A PVC micro mesh sheet measuring 30 m high x 52 m wide. It would cover the entire North elevation from first floor level to roof. It would display the words "London 2012" in blue and red text and the Games logo. It would be fixed to the building by a wire frame, and be externally illuminated by an array of up and down lighters."

The submitted application form also confirmed that the proposed advertisement would sit 4.5m above ground level, would be illuminated externally and static and have illuminance levels of 600 cdm². In the covering letter which supported the application reference is made to the proposed illumination of the advertisement as follows:

"The advertisement display will be illuminated by up and down lighters positioned at 5m intermediate centres above and below the advert display banner, such lighting to provide a "wash style" affect only over the advert panel. Details attached".

However, the illumination details are not included on the council's website and therefore cannot be presented in relation to this appeal.

- 3.2 Consideration was given in the officer's report to the proposed advertisement in relation to both amenity and public safety issues. As far as the former issue was concerned it is confirmed at paragraph 2.4:

"Camden Planning Guidance advises that shrouds are only appropriate in commercial areas, should only normally be used in conjunction with rebuilding or refurbishment, and should always be temporary. The proposal is considered to broadly comply with requirements of Camden Planning Guidance as the area is commercial and the shroud would be a temporary sign. Although its purpose is not to shield construction work, the guidance's resistance to advertising is that adverts on such large prominent signs can harm the amenity of an area, but the content of the proposal, celebrating a once in a lifetime event such as the Olympics, should not be seen in the same light as a purely commercial advertising site".

At paragraph 2.6 the issue of illumination is dealt with: –

"As there are no residential uses facing the site, the illumination is not considered to harm residential amenity".

It was concluded at paragraph 2.7: –

"As such the proposal, due to its contribution to the Olympic event and its temporary nature, is not considered harmful to the amenity of the building or wider area".

- 3.3 Turning to issues relating to safety it is concluded at paragraph 3.2: –

"The proposed display is static, and its high level and simple design combined with the generally slow traffic speed on Euston Road, are not considered to pose a hazard to vehicular traffic. The sign would pose no hazard to pedestrians".

Under the heading conclusion it is stated at paragraph 4.1: –

"The proposed shroud is intended to demonstrate Camden's support for the games and is broadly compliant with national and local policies and guidance. Any visual harm caused by the display is considered to be ameliorated by its temporary nature."

- 3.4 It is accepted that there were particular circumstances associated with this proposal in connection with the 2012 Olympic Games in London which may have justified the erection of the shroud for a temporary period of time. However, it is clear from the officer's report associated with the application that the view was taken that irrespective of that the proposed illuminated display did not have a detrimental impact on visual amenity and public safety and had it done so advertisement consent would not have been granted. These issues are also a consideration with respect to this appeal and the comments made by the planning officer are considered to be material in relation to the determination now. Therefore there are many similarities between the 2012 proposal and that now under consideration and it is therefore extremely surprising that the officer's views and the council's decisions are so contrasting.

4 The Proposed Advertisement

- 4.1 The proposed advertisement would be displayed on a shroud/banner which would cover the north elevation of the Town Hall extension building fronting Euston Road only. The framework of the proposed banner and how it would "sit" in relation to the scaffolding to be erected is identified on the drawing which forms Appendix O this Appeal Statement. Furthermore and for completeness a drawing of the scaffold design board for the building is included as Appendix P.
- 4.2 As confirmed earlier the details contained on the subject advertisement application form in relation to the proposal differ from those scaled off of the submitted drawing which forms Appendix Q. It is confirmed that the Appellant does not take issue with the description of the proposal set out in the planning officer's report which included the following details:
- Dimensions of the entire shroud: 48.1×41.5 m (1995.3m² in area)
 - Dimensions of the commercial advertisement: 43.8×25.8 m (1130.6m² in area)
 - Height above ground level to base of shroud: 2.8 m
 - Height above ground level to base of commercial advertisement: 4 m
 - External illumination - 9 no down lighters at 5m intervals

Although the planning officer refers to the position of the commercial advertisement to be in the centre of the shroud at paragraph 2.2 of his report, it is evident from the drawing at Appendix Q, that the commercial advertisement would largely occupy the lower two thirds of the shroud with the top third extending above it. Furthermore, the commercial advertisement would be framed by the shroud. In comparison with the aforementioned 2012 advertisement proposal which the council approved, that involved dimensions

for the entire advertisement of 30m x 52m (1560m²). As stated earlier the proposed illumination was intended to be a combination of both up lighters and down lighters set at 5 metres intervals.

- 4.3 At the time of submitting the advertisement application the Appellant confirmed to the council in its planning statement the following:

"The proposed screen will be manufactured from digitally imprinted high tech micro mesh PVC material. The material is rip and tear proof and has been tested and approved for large scale display applications. The material has also been specifically designed and manufactured for use as buildings screens and scaffold safety screens. Installation is by means of an engineered designed and approved method, which is firmly fixed to the building with primary and secondary safety measures Incorporated.... the method of installation, together with the safety features, meets or exceeds all the relevant health and safety standards."

- 4.4 The proposed advertisement would be illuminated by 9no external lighting structures which would be attached above the proposed commercial advertisement and hang over the shroud thereby operating as down lighters to bathe the commercial banner when in place. They would be positioned at 5m intervals from the centre of one structure to the centre of the next. Details of how the lighting structures would be fixed to the scaffolding were submitted to the council by the Appellant and now form Appendix R. The lighting structures would be installed with lighting shields in order to prevent any light pollution. The lighting would be highly energy efficient. Specification details of the lighting were also provided to the council and now form Appendix S to this appeal statement. The lighting would come on from dusk onwards and would be programmed to go off at 11pm. The maximum luminance level would be 600cdm². This could be controlled by a suitably worded condition such as the following:

The illumination of the proposed advertisement should be restricted to when the street lights serving Euston Road are illuminated and not after 23.00 hours. The maximum level of illumination should be 600cdm² unless otherwise first agreed by the local planning authority.

- 4.5 As stated earlier the proposed advertisement would be erected for a temporary period of no more than 12 months. As confirmed above the scaffolding is now expected to be erected by the end of March 2016. It is therefore anticipated that at the point of determination of this appeal plus 12 months will fall comfortably within the timeframe of the project. It is therefore recommended that in the event that the appeal is successful that the following condition is included:

The proposed advertisement will be displayed for a maximum period of 12 months from the date of this appeal decision or sooner in the event that the scaffolding on the north elevation of the Town Hall extension building is removed before that date at which point the shroud and associated lighting fixtures shall be removed completely from the Appeal Site.

5 Planning Policies

- 5.1 Paragraph 026 Reference ID: 18b - 026-20140306 of the NPPG confirms that Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states:

"3 (1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -

(a) the provisions of the development plan, so far as they are material; and

(b) any other relevant factors."

- 5.2 Para 029 Reference ID: 18b-029-20140306 states:

"A local plan does not have to contain advertisement policies. If such policies are considered necessary to protect the unique character of a particular area, those should be evidence based".

The policies relied on in the council's decision notice relating to the appeal proposal are dealt with below. As indicated above, the Regulations require that decisions be made only in the interests of amenity and where necessary, public safety. Therefore the council's policies alone cannot be decisive. As the Appeal Site falls within the Kings Cross Conservation Area it will be necessary for the appointed inspector in determining this appeal to pay special attention to the desirability of preserving or enhancing the character of the conservation area.

- 5.3 The policies referred to in the decision notice are as follows:

Core Strategy - CS5 and CS14

Development Plan - DP21, DP 24 and DP 25

Copies of those policies are attached to this statement as Appendix T. Also attached as part of the same appendix is a copy of the Camden Planning Guidance entitled "Design" dated July 2015 given that it was referred to in the early communications from the council's planning officer to the Appellant. It is also referred to in the planning officer's report. Development Plan policy DP26 is also included for completeness given that although referred to in the officer's report it is not included in the subsequent decision notice.

Policy CS5

The Camden Core Strategy 2010 - 2025 was adopted on 8 November 2010. Policy CS5 is a general policy which sets out the objectives of the Core Strategy regarding new development. The author of this appeal statement fails to understand the relevance of this policy in relation to the proposed

advertisement which would be a temporary solution to the visual harm which would be caused to its surroundings as a result of the erection of substantial scaffolding in association with the refurbishment and conversion of the Appeal Site to a hotel for which the council have granted consent. In any event the view is taken that the policy would not be prejudiced by the proposal.

Policy CS14

The same comments apply to policy CS14 which again is a general policy which promotes "*..high quality places and conserving our heritage*". As will be explained in the following section of this report the view is taken that what is proposed which would only be for a temporary period of 12 months would represent a visual enhancement to the street scene whilst the scaffolding is in place.

Policy DP21

Criteria h) requires development to "*avoid causing harm to highway safety or hinder pedestrian movement...*". As demonstrated by the report submitted by Croft Transport Solutions the proposal would not have an adverse impact on highway safety and therefore this policy is not prejudiced by the proposal.

Policy DP24

Again this policy is a general one and deals with the design of new development and is therefore not considered to be relevant given the circumstances associated with the proposed advertisement.

Policy DP 25

This policy deals with the issue of new development preserving and enhancing the character of the conservation area and the setting of listed buildings which as the stated earlier the appointed inspector is required to take account of in the determination of this appeal. The view is taken that the proposed shroud and associated advertisement would suitably mitigate the unsightly nature of the building work including the necessary scaffolding and in this context would preserve the character and appearance of the Kings Cross Conservation Area and the setting of the listed buildings in the surrounding vicinity.

Policy DP26

This policy was not referred to in the reason for refusal. It is concerned with development which causes harm to residential amenity. There is no suggestion in the decision notice or officer's report that the proposed advertisement and its illumination would have an adverse impact on residential amenity. Furthermore, in the officer's report relating to application 2011/5760/A (see Appendix N) it is confirmed:

"As there are no residential uses facing the site, the illumination is not considered to harm residential amenity."

Camden Planning Guidance - "Design".

At page 80 of this document reference is made to *"shroud/banner advertisements"*. Paragraph 8.20 and 8.21 address the nature of such forms of advertisement and confirms their acceptability in principle:

"..Therefore, given the scale and size of shroud advertisements these types of advertisement proposals will only be considered acceptable primarily in commercial areas and only where they screen buildings under construction, alteration or refurbishment. If considered acceptable they will only be allowed for a temporary period and should be removed on completion of the works should they be sooner than the approved period."

In this respect there is no dispute between the parties. However paragraph 8.22 then goes on to set out a series of circumstances where *"Shroud on scaffolding will only be permitted.."* These include the requirement that the scaffolding covers the entire elevation of the building and the netting of the scaffolding includes a 1:1 image of the completed building under construction. Again this requirement is met by the proposal. The paragraph then goes on to restrict the size of the proposed advertisement per elevation including in conservation areas and on listed buildings where *"the advertisement should not cover more than 10% of each elevation and should not be fragmented"*. No evidence is however provided to support such an approach and therefore without that evidence base as indicated in the NPPG its weight as a material consideration in the determination of this appeal should be limited.

The document also deals with illumination at paragraph 8.11 - 8.15. There is no specific reference to use of illumination in connection with shroud advertising however under the heading "trough lighting" it is stated:

"To ensure that an advertisement does not become unduly dominant in the streetscene, disturb adjoining residents at night, or cause safety hazards to drivers, consideration should be given to the:

- *intensity of illumination*
- *surface area to be illuminated; and*
- *positioning and colours "*

Attached as Appendix U is an extract from the Institute of Lighting Professionals document entitled "The brightness of illuminated advertisement" (pages 19 and 20) which sets out certain provisions of the ILP Guidance Notes. Several of the key issues includes the direction of light downwards, switch off when not required and do not overlight. The view is taken that all three considerations are taken account of with the appeal proposal and appropriate conditions can be included with any grant of consent which

restrict hours of illumination and level of illumination so that these objectives are ensured.

6 Planning Considerations

- 6.1 The decision notice under consideration in this appeal identifies issues associated with both visual amenity (reason for refusal 1) and highway safety (reason for refusal 2). The transport statement by Croft Transport Solutions deals with the issues identified in reason for refusal 2.
- 6.2 The issues identified in reason for refusal 1 concern size, location and illumination of the proposed advertisement. As confirmed in the previous section of this statement the council in principle accept the suitability of introducing an advertising shroud to hide the unsightly appearance of scaffolding and building works whilst construction works are ongoing. The individual circumstances surrounding the nature of this proposal, including it's siting and illumination must then be considered rather than just introducing a blanket prohibition of any advertisement beyond a certain size and use of illumination as the council seeks to do in it's SPD (see Section 5 above).
- 6.3 Taking first of all the size of the proposed advertisement, as already confirmed earlier the council considered that the advertisement application they approved in 2012 in association with the 2012 Olympics was acceptable in size given prevailing visual amenity issues. Although the justification for the respective advertisements is different in both cases, the respective advertisements are either acceptable or not from a visual amenity point of view. The 2012 scheme which was considered acceptable involved a larger advertisement, was to be located in the same position and was also illuminated by both up lighters and down lighters (the current scheme only involves down lighters). There is no justification therefore to treat the appeal proposal any differently now.
- 6.4 The character of the area within which the Appeal Site is located is commercial and as evidenced by the attached photographs 3 and 4 there are advertisements and a "*painted building*" within the locality of the Appeal Site which contribute to the street scene which the appeal proposal would be viewed in relation to. The Appeal Site is a large structure with significant presence on Euston Road. Therefore with the introduction of proposed scaffolding and the undertaking of works it is reasonable to adopt the view that it's visual presence could be even more prominent as a result to the detriment of the conservation area and setting of nearby listed buildings. What is proposed would hide such unsightly features and would be present for a temporary period only.
- 6.5 The proposed illumination of the appeal proposal would not result in it becoming overly prominent during the hours of darkness. The area within which the appeal site is located is well illuminated with tall lighting columns and being an extremely busy area throughout the night time period the large number of vehicles passing the site with their associated headlights would also contribute to the level of illumination of the area generally. The proposed

illumination would correspond with that recommended by the Institute of Lighting Professionals and appropriate conditions can be attached to any grant of consent to control the hours of illumination and maximum level of illumination.

- 6.6 It is not uncommon for large illuminated advertisement shrouds to be granted temporary consent to hide an unsightly image whilst renovation works are ongoing, sometimes in very sensitive locations and three are referred to in the transport statement by Croft Transport Solutions. Attached to this statement are also two recent appeal decisions which deal with similar issues to this appeal, both were successful and in London locations (see Appendix V).

7 Conclusions

- 7.1 The view is taken that the proposed advertisement is acceptable in terms of both visual amenity and public safety taking into account relevant planning policies.
- 7.2 The proposed scheme is very similar (but overall smaller) than the 2012 Olympics advertisement which the council approved on the same site which was found to be acceptable in terms of both visual amenity and public safety. There has not been any change in circumstances on the ground since to justify a different approach now.
- 7.3 The council accepts the principle of hiding unsightly scaffolding and renovation works with an advertising shroud erected for a temporary period only whilst the works are ongoing.
- 7.4 The Appeal Site is a very visually prominent building on the Euston Road street scene and the introduction of scaffolding and works would potentially make it even more prominent to the detriment of the conservation area and nearby listed buildings. The proposed advertisement and associated shroud would hide that in an acceptable form for a temporary period.
- 7.5 The introduction of the proposed illumination would not result in the proposed advertisement becoming overly dominant. The illumination would bathe the advertisement in an area which is well lit by tall lighting columns.
- 7.6 It is respectfully requested that this appeal be upheld for the reasons set out in this appeal statement and the transport statement by Croft Transport Solutions.