



LAND AT ST GILES CIRCUS

126-136 CHARING CROSS ROAD LONDON WC2H 8NJ

TEMPORARY DISPLAY OF AN INTERNALLY ILLUMINATED LED DIGITAL DISPLAY BOARD (12M IN WIDTH BY 3M IN HEIGHT) FACING CENTRE POINT FROM 21/07/2017 TO 31/07/2019
Application for advertisement consent reference: 2017/3038/A

18 June 2017

The Bloomsbury Association object to this application and wish to make the following comments:

1. Prior to current development commencing, the northern flank walls of buildings on this site were used for hideous 'temporary' advertising for several decades. The current proposal must therefore be regarded as following the pattern of previous development by seeking to establish a precedent for further commercial excesses regardless of their impact.

Indeed, the applicant's agent infers this in their cover letter dated 2 June 2017 where, in describing site and location, reference is made to the location being "*at the very heart of the West End of London*", which is debatable, and "*Immediately to the north sits an important crossroads of some of the West End's busiest streets - Oxford Street, New Oxford Street, Tottenham Court Road, Charing Cross Road...*" There is also reference to St Giles Circus also "*being a strategically important pedestrian hub, lying as it does at the heart of some of London's most popular visitor attractions...*" and how "*with the advent of Crossrail and other significant developments in the area the importance of St Giles Circus as a pedestrian hub will increase even further...*" This is a very different vision to that of the Council's West End Project and looks to argue that footfall and the number of passing vehicles provides a strong business case for advertising revenue with little consideration of the impact on amenity and the appearance and character of the streetscape and the conservation areas that they are a part of.

We concur with Councillor Harrison's view that the Council's ambitions for Tottenham Court Road and the West End Project are to improve it and make it a pleasanter, less intense and more human place to be, not to turn it into Piccadilly Circus or Leicester Square.

Jane Jacobs in her seminal work *The Death and Life of Great American Cities*, stopped the plan-making professions in their tracks in 1961 when she commented: "*There is no logic that can be superimposed on the city; people make it, and it is to them, not buildings, that we must fit our plans.*" Real places have to be owned by the public and made by the public, not by advertising business plans.

2. Camden's planning policy concerning advertisements is informed by DCLG guidance 'Outdoor advertisements and signs: a guide for advertisers' and by Camden Planning Guidance CPG1, Design.

In Section 8 of CPG1 Camden has formulated and adopted advertisement control policy statements, indicating what detailed considerations are regarded as relevant to their decisions on advertisement applications. These statements indicate the circumstances in which advertisements are likely to be permitted or refused and are a material factor in deciding the application. This proposal fails to meet the issues described in sections 8.5-8.9 inclusive, 8.11-8.14 inclusive, 8.17 and 8.19 of this document.

In deciding an application, DCLG guidance states that the planning authority may consider only two issues in addition to local policy statements; these are described as the interests of amenity and public safety.

DCLG goes on to clarify: 'The terms 'amenity' and 'public safety' are not defined in detail in the advertisement control rules, although advice on these terms is given in Circular 03/2007 and PPG 19. Each planning authority (and the Secretary of State on appeal) must interpret what is meant by these expressions as they apply in particular cases. In practice, 'amenity' is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, the planning authority will always consider the local characteristics of the neighbourhood. For example, if your advertisement will be displayed in a locality where there are important scenic, historic, architectural or cultural features, the planning authority will consider whether it is in scale and in keeping with these features. This might mean that the planning authority would refuse consent for a large poster-hoarding which would visually dominate a group of 'listed' buildings. But where there are large buildings and main highways, for example in an industrial or commercial area of a major city, the planning authority may grant consent for large advertisements which would not adversely affect visual amenity in the neighbourhood of the site.'

'It also means aural amenity, so any noise the advertisement makes will be taken into account before express consent is given.'

'Public safety' means the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air. So, for this purpose, the planning authority must assess the likely effects of your advertisement in relation to such matters as the behaviour of drivers, possible confusion with any traffic sign or signal, or possible interference with a navigational light or aerial beacon. But the planning authority will assume that all advertisements are intended to attract people's attention, so that the advertisement you want to display would not automatically be regarded as a distraction to passers-by in vehicles or on foot. What matters is whether your advertisement, or the spot where you propose to site it, will be so distracting or so confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own and others' safety. When they are considering 'public safety' factors for your advertisement, the planning authority will normally consult other relevant bodies, for example the highway authority if your advertisement is alongside a major road.'

3. The proposal will have a significant impact on long distance views along Tottenham Court Road and from public spaces such as the new Plaza being created in front of Centre Point and, possibly, also from Soho Square. Contrary to LDF policy, the proposal will be detrimental to the adjacent conservation areas, particularly in its harmful intrusion into distant views from Oxford Street, Charing Cross Road, Sutton Street and along Tottenham Court Road. Its scale and bulk will also have a damaging visual impact on important local views from adjacent Conservation Areas such as Bloomsbury, Hanway Street, Soho and Denmark Street. It also detracts from the setting of a number of nearby listed buildings, including The Dominion Theatre, 279 Tottenham Court Road, and Centre Point, together with 1 Tottenham Court Road and the adjoining 14-16 Oxford Street in Westminster. No evidence is provided with the application to justify such a dramatic change in the building's impact on London's streetscape. The crude drawings accompanying the application ignore the city context totally, which is so important in assessing the proposal and give a clear insight into the applicant's objectives.

We are surprised that the Council agreed to even register the application without any visual impact assessment including photomontage images from key viewpoints. The proposal cannot be adequately considered without this and the Council will be failing in its duty to approve the application on this basis, a decision that arguably would be invalid. Furthermore, we expect the Council to fulfil its duty to consult with other local authorities affected by the proposal before deciding the application and we are sure that Westminster City Council will not comment without seeing appropriate material.

The Council should consider seeking an expert (and independent) opinion, perhaps from its Design Review Panel, on the effect on London's streetscape.

4. The application site is located in the Denmark Street Conservation Area. National guidance, as set down in the Department of Communities & Local Government's 'Outdoor advertisements and signs: a guide for advertisers', clearly states that Class 4 permission (illuminated advertisements) "*does not extend to any premises in a Conservation Area*".

Furthermore the applicant's agent infers a relationship to Deemed Consent under Class 8 of the Advertisement Regulations in their letter dated 2 June 2017. The benefit of Class 8 is specifically excluded from conservation areas.

5. Light pollution from the proposed display board will impact on the amenity of residential uses directly opposite in Centre Point and Centre Point House. It may also have an effect on residential uses on the upper floors of 5 Great Russell Street.

There is also a public art installation, commissioned by Exemplar, Ashby Capital and Bedford Estates, integrated with the external façade of development at 251-8 Tottenham Court Road and 1 Bedford Avenue as part of the Section 106 Agreement with its developer. The installation is currently being reviewed because of light pollution issues. The artwork is based on the use of colour and light, the effect of which would be completely overwhelmed by the proposed display.

6. The proposal is damaging to the architectural setting of Centre Point and to the public piazza being created at its base.
7. The proposed display presents a risk to public safety in that it is of a size and a prominence that, as is intended, will distract the attention of drivers approaching the junction of Oxford Street and Tottenham Court Road. At this point there are traffic light controlled pedestrian crossings on Oxford Street, New Oxford Street, Charing Cross Road and Tottenham Court Road, which are all too easy for drivers to miss. It should be noted that during the period of this proposal, the West End Project proposes that traffic on Tottenham Court Road will become two-way.

On Tottenham Court Road becoming two-way there will be a similar risk to pedestrians crossing at the traffic light-controlled crossing close to Bedford Avenue.

8. The current proposal is not dissimilar to previous proposals that have been refused permission on nearby sites. Along with the proposal that was refused on 11 August 2016 (2016/2888/A) and then dismissed at Appeal on 13 February 2017 (ref: APP/X5210/Z/16/3158874), the Council should refer to the following.

An application for a similar advertisement for the St Giles Hotel (ASX 0105177) was refused planning permission on 13 November 2001. The reasons given by the Council were: *'The proposed illuminated plasma sign is inappropriate by virtue of its large size, high level, and prominent position on the building, design materials and illumination. This proposal would cause material harm to the appearance of the building and could detract from the character and appearance of the Bloomsbury Conservation Area, with long views of the sign down Tottenham Court Road. In this regard, the proposed signs fail to comply with the provisions of Policies RE1; EN1; EN14; EN30 and EN31 of the London Borough of Camden Unitary Development Plan 2000.'*

Another similar application for the St Giles Hotel was refused planning permission on 21 December 2010. The reasons given by the Council were: *"The proposed roof extension, by reason of its design, location, bulk and height would be an incongruous and obtrusive addition to the existing building which would unbalance the architectural composition of the host building and would detract from the appearance and character of the Tottenham Court streetscene and the adjacent Bloomsbury Conservation area, and as such would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies."*

The Council's attention is also drawn to their refusal of a similar proposal under application 2015/3210/A, which was upheld at subsequent Appeal in November 2015, reference APP/X5210/Z/15/3134986. The Inspector concluded: *"the proposed advertisement would be unacceptably harmful to amenity. This is, on its own, sufficient to cause me to dismiss the*

appeal, although I have further concluded that to a limited extent the advertisement would also be harmful to public safety."

These are issues as relevant to this proposal as they were then.

The Association supports good quality design that will enhance Bloomsbury's streetscape, which this clearly does not. With such a demonstrable breach of the Council's planning policy and of its supplementary planning guidance, we look to the Council to refuse this application.

We would be grateful if you would let us know of any further modification to the application; the decision, if it is to be decided under delegated powers, or the meeting date if it is to be decided by Committee.

Stephen Heath

On behalf of the Bloomsbury Association

Copies to:

Councillor Adam Harrison, London Borough of Camden
Councillor Sue Vincent, London Borough of Camden
Matthias Gentet, London Borough of Camden
Bloomsbury Conservation Area Advisory Committee
Bedford Estates
Covent Garden Community Association
Soho Society
Fitzrovia Neighbourhood Association
South Bloomsbury Residents' Association
Chair, Bloomsbury Association