

**APPEAL BY URBAN VISION ADV UK LIMITED UNDER REGULATION 17  
OF THE TOWN AND COUNTRY PLANNING (CONTROL OF  
ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007**

**AGAINST THE DECISION OF CAMDEN LONDON BOROUGH COUNCIL  
TO REFUSE ADVERTISEMENT CONSENT**

**Display of two internally illuminated digital media screens (4m high x  
27m wide and 6.5m high x 60m wide) on circular and oval ventilation  
shafts respectively**

**Kings Cross Square, Euston Road, London, N1C 4TB**

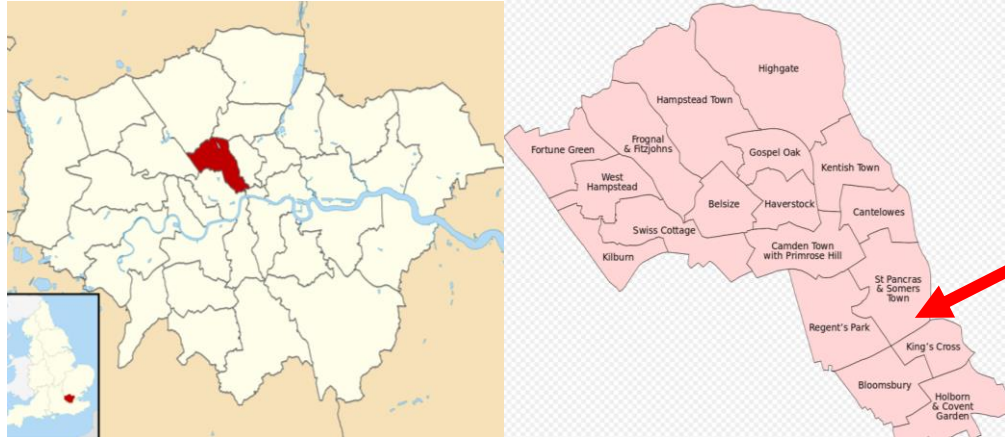
<b>PINS REF:</b>	<b>APP/</b>
<b>LPA APPLICATION REF:</b>	<b>2018/2165/A</b>
<b>DATE OF DECISION:</b>	<b>10 JULY 2018</b>

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## 1.0 SITE & SURROUNDINGS

- 1.1 In terms of context the appeal site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The appeal site is located within the administrative ward of St Pancras and Somers Town, abutting the Kings Cross Ward.



- 1.2 The ward of St Pancras and Somers Town is a mixed residential and commercial area within inner London, characterised mainly by the significant transport hub of Kings Cross.
- 1.3 The appeal site is located within the Kings Cross Conservation Area which lies to the south-east to the Borough of Camden. The Conservation Area is divided into two sub areas of distinctly different character, an area comprising a mix of residential and institutional uses and a more industrialised sub-area (2). The appeal site is located within sub area 2 which includes both the train stations and extends to Euston Road to the south which bounds the appeal site.
- 1.4 Despite several changes that have occurred, the area retains a robust industrial character, mostly from the Victorian age. The two stations are both grade I listed and are the most dominant elements of this area in terms of scale and use and with their wide train shed roof spans, they are also examples of technological flair and innovation. The stations are home to several retail operators, all of which, as would be commercially expected, contain their own individual advertising. In addition, the stations are awash with digital display screens for both operational and commercial purposes.
- 1.5 The appeal site is located within the plaza at Kings Cross Square which forms the entrance to Kings Cross Station, located between the junctions of Euston Road Road, Pancras Road and York Way. Vents within the square, which directly relate to the appeal proposal, comprise a large rotunda to the centre rear of the square adjacent to Euston Road and an oval shape to the west adjacent to Pancras Road.

- 1.6 The vents are clad in a darker granite to that of the surrounding paving and are largely functional in purpose. However, the large rotunda was expanded at lower level during the Kings Cross redevelopment project to incorporate kiosks and information screens.
- 1.7 The surroundings are largely characterised by commercial uses at ground floor and drinking/entertainment establishments amid this transport hub. The level and type of advertisements in the surroundings are diverse and it is that diversity that now forms a significant part of the character of the surroundings, although it is noted that several advertisements do not contribute positively (please see below).





## 2.0 THE APPLICATION

- 2.1 The application was received by the LPA on 9 May 2018 and made valid on 18 May 2018. The application was assigned reference number 2018/2165/A.
- 2.2 The application sought advertisement consent for the display of two internally illuminated digital media screens (4m high x 27m wide and 6.5m high x 60m wide) on the circular and oval ventilation shafts respectively.
- 2.3 The screens will be constructed to incorporate 'The Breath' which is an innovative environmental technology that can be used to treat and purify polluted air in cities. The technology is comprised of a multi-layered fabric that separates and absorbs harmful airborne pollutants. In this regard it is noted that work commissioned by Transport for London and the Greater London Authority, carried out by Kings College London, concluded that over 9000 Londoners are dying early every year as a result of toxic air (source –



Understanding the Health Impact of Air Pollution in London – Kings College London). The incorporation of this technology is clearly therefore a significant public benefit, at the cost of the appellant.

- 2.4 The media screens are intended to target pedestrian and vehicular traffic and would be custom built to follow the exact curvature of the structures. The screens would be constructed in a manner that minimises disruption to the highway network. They would be fabricated off-site and would be craned in to place to avoid disruption to the highway network in conjunction with TfL traffic management protocols.
- 2.5 The application was refused by the Council, under its scheme of delegation, on 10 July 2018 for the following reason:
1. *The proposed 2 display screens, by reason of their size, locations, design and method of illumination, would be detrimental to the appearance of the host structures and Kings Cross Square, the character and appearance of the Kings Cross Conservation Area and the setting of the adjacent listed buildings (Great Northern Hotel, Kings Cross Station and St Pancras station), contrary to policies D1 (design), D2 (heritage) and D4 (advertisements) of the London Borough of Camden Local Plan 2017.*
- 2.6 It is noted that the reason for refusal references Local Plan policies D1, D2 and D4 in their entirety. These policies are multi-faceted and comprise a number of criteria that are not relevant to this application. However, they are referred to verbatim in section 5 of this statement.

### **3.0 PLANNING HISTORY**

- 3.1 The vents, the subject of this appeal, are located within Kings Cross Square which was the subject of a regeneration project in 2010. The large rotunda was expanded at lower level during the redevelopment project to incorporate kiosks and information screens. There is no other planning history of relevance.

### **4.0 NATIONAL PLANNING POLICY/LEGISLATION**

#### **National Planning Practice Guidance**

- 4.1 The National Planning Practice Guidance (NPPG) was launched in March 2012 as a web-based resource to bring together planning practice guidance for England in an accessible and usable way. The NPPG sets out guidance on a wide range of topics including, advertisements. It makes clear that the display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

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

- 4.2 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make it clear that power can be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. The regime is therefore a lighter touch than the system for obtaining planning permission for development.

**The National Planning Policy Framework (NPPF)**

- 4.3 The following paragraphs of the National Planning Policy Framework (hereafter referred to as the NPPF) should be considered in relation to this case.
- 4.4 Paragraph 80 relates to economic growth and states that *planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*. It states further that *this is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential*.
- 4.5 Section 12 refers to design. Paragraph 127 states that *planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*. It states further that developments *should promote health and well-being*, a key component of the 'breath' technology.
- 4.6 Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paras 193-197). If the development would lead to less than substantial harm (the appellants position) then the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use and, importantly in this case, significantly improvements to public health.

**5.0 THE DEVELOPMENT PLAN**

- 5.1 For the purposes of this appeal, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2016), the Local Plan (2017) and the Camden Planning Guidance Documents.

### **Camden Local Plan 2017**

- 5.2 The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031.
- 5.3 The reason for refusal refers to Policies D1, D2 and D4 of the Local Plan which are repeated verbatim below:

#### **Policy D1 Design**

*The Council will seek to secure high quality design in development. The Council will require that development:*

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

*The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

#### **Excellence in design**



*The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.*

### **Policy D2 Heritage**

*The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.*

#### **Designated heritage assets**

*Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

*The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.*

#### **Conservation areas**

*Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.*

*The Council will:*

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*

- g. *resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. *preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

### **Listed Buildings**

*Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:*

- i. *resist the total or substantial demolition of a listed building;*
- j. *resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. *resist development that would cause harm to significance of a listed building through an effect on its setting.*

### **Other heritage assets and non-designated heritage assets**

*The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.*

### **Policy D4: Advertisements**

*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 be of the highest standard of design, material and detail.*

*We will support advertisements that:*

- a. *preserve the character and amenity of the area; and*
- b. *preserve or enhance heritage assets and conservation areas.*

*We will resist advertisements that:*

- c. *contribute to an unsightly proliferation of signage in the area;*
- d. *contribute to street clutter in the public realm;*
- e. *cause light pollution to nearby residential properties or wildlife habitats;*
- f. *have flashing illuminated elements; or*
- g. *impact upon public safety.*

*The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances.*

*Shroud advertisements, banners, hoardings / billboards / large outdoor signboards are subject to further criteria as set out in supplementary planning document Camden Planning Guidance on advertisements.*

## 6.0 THE APPELLANTS CASE

*Reason for refusal: The proposed 2 display screens, by reason of their size, locations, design and method of illumination, would be detrimental to the appearance of the host structures and Kings Cross Square, the character and appearance of the Kings Cross Conservation Area and the setting of the adjacent listed buildings (Great Northern Hotel, Kings Cross Station and St Pancras station), contrary to policies D1 (design), D2 (heritage) and D4 (advertisements) of the London Borough of Camden Local Plan 2017.*

- 6.1 The proposed development is stated by the Council in their reason for refusal as being contrary to Policies D1, D2 and D4 of the Local Plan. The remainder of this statement will therefore focus on the perceived relevant criteria of these policies and the specific reasons cited by the Council, i.e. size, location, design, and method of illumination.
- 6.2 Policy D1 requires all development to be of high quality design that respects local context and character and requires development to preserve or enhance the historic environment and heritage assets. It states further that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.3 Policy D2 refers specifically to heritage and requires consideration of whether a proposal sustains and enhances the significance of a particular heritage asset, making a balanced judgement having regard to the scale of harm and the significance of the heritage asset.
- 6.4 Policy D4 states: advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail. The policy thereafter applies a positive criteria-based assessment, stating that the council will support advertisements that preserve the character and amenity of the area and preserve or enhance heritage assets and conservation areas. The policy is then specific as to the types of advertisements that will not be supported and the reason for refusal helpfully cites the specific elements that are of concern to the council.
- 6.5 Firstly, in order to respond to these policies, it is important to understand the characteristics of the site and surroundings. The appeal site is surrounded by buildings of historic and architectural interest, but this interest is largely derived from the industrial grandeur associated with the Victorian movement of the 1800s. This is highlighted by the appeal structures themselves which comprise

circular and oval shaped overflow vents associated with the underground rail services. They are functional in both appearance and use, creating a perception of industry, as might be expected in the context of an important transport hub. The wider surroundings are largely commercial in character with a number of advertisements consolidating that position.

- 6.6 Further, it is acknowledged that the appeal site is located in a prominent location. This however, should not in itself stifle innovative proposals that correspond to both the host site and the surroundings.
- 6.7 Dealing with the reason for refusal in sequence, it is acknowledged that the advertisement is of significant 'size' but the perception of size is highlighted only when viewing the advert is isolation. The screens would fit neatly within the confines of the existing structures and largely reflect an industrial/commercial form of development, in some ways reflecting the economic and social progress made in the industrial revolution.
- 6.8 The character and appearance of the immediate area is predominantly industrial/commercial and is largely dominated by the physical presence of large buildings and the traffic-dominated character of the junctions along Euston Road where the appeal site sits. Most notably, this creates a large-scale, busy and dynamic environment and from the exposed areas to the east and west, the screens would be seen against the outline of larger buildings nearby, which would absorb any perceived effect to the local area.
- 6.9 The appellant therefore contends that the size of the advertisement, in the context of the host structures and surrounding development, is appropriate.
- 6.10 The officer report makes significant reference to the size and siting of the proposal but is not entirely clear on why the design is unacceptable. In that regard it is noted that the advertising space has been specifically designed to correspond with the built fabric, utilising a curved design which sits comfortably with the original architectural space. The existing structures are functional features and it is this context which advertisement consent is sought. The appellant therefore contends that the design of the advertisements are appropriate in this context.
- 6.11 In terms of illumination, it is noted that the proposed advertisements would be located within a corridor where there is already a significant amount of advertising displays. The appeal site is located on a major London route close to a busy intersection which is already highly lit throughout the hours of darkness. Euston Road is both characterised and dominated by high levels of traffic through the day and night. The illumination of the display would not add appreciably to the ambient lit environment or appear as an isolated source of illumination, given the nature and character of the locality.
- 6.12 As set out above, the proposed advertisement has been designed with site context in mind. The setting of the conservation area is already defined by the

presence of large commercial and industrial structures, including signs, and would not be greatly altered by the appeal proposal.

- 6.13 While the advertisements would be visible in the context of the adjacent listed buildings, it is considered that they would be wholly appropriate in their context for the reasons outlined above. The proposal is therefore considered to lead to a neutral impact in which case the NPPF test of harm under paragraphs 193-197 would not apply.
- 6.14 Even if a 'less than substantial harm' were identified, it is considered that the advertisements would create significant public benefits that would outweigh that limited harm. Public benefits are held to include reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long-term conservation.
- 6.15 In this case, the use of the façade of these structures for advertisement purposes would protect their long-term maintenance in the public benefit. In addition, the screens would be constructed to incorporate 'The Breath' which is an innovative environmental technology that can be used to treat and purify polluted air in cities. The technology is comprised of a multi-layered fabric that separates and absorbs harmful airborne pollutants. This would represent further significant public benefit, highlighted further by several studies identifying air pollution as a significant problem in London.

## **7.0 SUMMARY AND CONCLUSION**

- 7.1 The LPA consider the appeal proposal to be harmful to the character and appearance of the host structures and the conservation area by virtue of its size, design, location and method of illumination. They consider that the proposal would have a harmful impact on heritage assets and therefore that the proposal would be contrary to the development plan and specifically policies D1, D2 and D4 of the Local Plan.
- 7.2 In light of the commentary above, and in direct response to the reason for refusal, the appellant considers that the appeal proposal is appropriate with regard to its size, design, location and method of illumination by virtue of it being perceived in the context of the site and surroundings. This ensures that the proposal would also preserve identified heritage assets. In further response to the policies cited by the council in the reason for refusal, the proposed development would not contribute to an unsightly proliferation of signage in the area; would not contribute to street clutter in the public realm; would not cause unacceptable light pollution to nearby residential properties or wildlife habitats; would not impact upon public safety and there would be no flashing illuminated elements (the images would be static and would change in a rotation). In any case, these criterion are not referenced in the councils reason for refusal.

- 7.3 In light of these comments, the proposed development is considered to accord with the NPPF and the development plan. The Inspector is therefore respectfully requested to allow the appeal.
- 7.4 Notwithstanding the above conclusion, should the Inspector be minded to dismiss the appeal, it is respectfully requested that a split decision be considered.