JCDecaux

1st May 2019

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Our Ref A01348
LPA Ref 2019/0131/A
2019/0754/P

Dear Sir/Madam

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Re:

I. **Consent to Display an Advertisement, and**
II. **Planning Permission to Erect a Steel Envelope around an Existing Concrete Vent Shaft and the Installation of Living Walls**

Site: Land at Euston Circus Euston Road/Gower Street London NW1 2AF

Please find enclosed two appeals relating to the same site development proposal, which are submitted under the provisions of section 78 of the above Act and Regulation 15 of the Advertisement Regulations.

The appeals relate to the proposed alteration of an existing item of TfL Rail infrastructure at Euston Circus, which comprises a concrete vent shaft. The vent shaft dates from the mid 1960's and over the years has been altered to now include an advertisement display affixed to the northern façade in 2008. The structure is a functional building and although it has been part of the local area for many decades, it adds little to the amenity or appearance of the space. The appeal site surroundings have changed dramatically over the last 50 years with many new and modern multi-storied developments having been developed around the junction, which include Regent Place, Euston Square station/Welcome Trust extension and University College Hospital.

The road underpass has also been altered in recent years with the addition of advertisements affixed to the structure of the road bridge and now used to display

landscape orientated screens to east and westbound drivers on the Euston Road. Throughout this evolving landscape the vent shaft structure has remained a constant and relatively untouched feature of the street, save for the addition of the current advertisement panel in 2006. The structure now stands as a rather austere and unattractive relic of the 1960's that visually jars with the more modern clean lines of the built form within the local context.

Details of Proposal

The current proposal is the product of a partnership between the Appellant Company JCDecaux and Transport for London (TfL) the authority responsible for transport in the Capital including the Underground and its fixed infrastructure. The proposal for the Euston vent shaft meets several important aims, which includes transforming, through design and function, this unprepossessing concrete block into something that makes a positive contribution to the character and appearance of Euston Circus. The proposal seeks planning permission to construct a curtain wall outer skin around the vent shaft structure to conceal the rather unattractive and utilitarian concrete block. The new structure is a modern and interesting looking sculptural form that will provide visual interest and contribute to the eclectic mix of buildings within the area.

The reimagined structure will continue to serve the principal function of venting the tube station below but will also incorporate extensive areas of vertical living wall on the north and south sides of the building. The installation of living walls to TfL infrastructure makes a valuable contribution to the authority's green estate, whilst assisting in improving the air quality along some of the most polluted streets within the Capital. Information on other TfL funded green wall installations, notably at Edgeware Road and Elephant and Castle Stations, is contained within the application documentation and provided by Biotecture. Biotecture is one of the leading specialists and visionaries in this field, which seeks to promote biodiversity and improve air quality in busy urban areas. The structure is also designed to integrate the single portrait advertisement into the western facing façade, which will be used as a media screen to show static commercial images in addition to displaying emergency safety or transport related announcements. The proposed operational works and the continued maintenance of the green wall is entirely self-funded through the advertising revenue.

This proposal is an innovative and inventive design response to a bland legacy structure to create a built form that complements the public realm and includes air cleansing living

walls, that not only enhances the visual aspect by greening the space, but also promotes biodiversity and improves the air we breathe.

Application and Decision

Application for advertisement consent alone was submitted on the 9th January 2019 through the Planning Portal on the basis that the operational works in the external cladding would benefit from the provisions of s222 of the Principal Act. Following further discussions with the LPA an application for planning permission was submitted on the 8th February 2019 and the applications were conjoined and under separate reference numbers 2019/0745/P and 2019/0131/A. The applications were considered and determined together under the officer report herewith attached. Both applications were subsequently refused on the 10th April 2019; the application for Planning Permission for the following two reasons;

1. *The steel frame and steel envelop, by virtue of their size, scale, design, location and materials would be bulky, incongruous and overly dominant features that would not relate to the surrounding area, and would detract from the clutter free aspect at high level on the highway. These elements of the proposal are considered to be an unsympathetic and unacceptable form of development that would be detrimental to the character and appearance of the streetscape and surrounding locale, contrary to policy D1 (Design) of the Camden Local Plan 2017.*

2. *The steel frame and steel envelop, by virtue of their size, scale, design and location, are an unacceptable form of development that would be detrimental to the free movement of pedestrians and cyclist and would create an obstacle to the visually impaired, contrary to policy T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017"*

The application for Advertisement consent was refused or the following reason;

> *"The proposed LED digital advertising screen, by virtue of its size, scale, design, location and method of illumination, would be an incongruous and bulky feature that would introduce an illuminated fixture as well as create visual clutter at high level. This element of the proposal is considered to be an unsympathetic and unacceptable form of development that would be detrimental to the character and appearance of the streetscape and surrounding locale, contrary to policy D4 (Advertisements) of the Camden Local Plan 2017."*

The Appellant considered that the issues in this case are straightforward and that the nature of the proposal would not result in the putative impacts as described in the LPA's decision notices. The Appellant further believes there is sufficient grounds to appeal the decisions and therefore presents them for consideration to the Secretary of State by means of the written representation procedure, as provided by s78 of the above Act (as amended). In light of the terms of the decisions and the express requirements of regulation 3 of the Regulations, the Appellant would suggest that there are three issues for the Inspector to determine at this appeal, which are:

- Would the proposed structure and advertisement display unacceptably harm the character and appearance of this part of the City?
- Would the advertisement display be a harmful and incongruous feature that would be out of scale with the local context? And
- Would the proposed alteration to the vent shaft building unacceptable obstruct pedestrian flow?

The Appellant considers that the response to each of these propositions is no, for the reasons outlined below, which forms the basis of the appeal grounds.

The appeal proposal covers both planning and advertising matters, the former governed by the development plan policies contained within Camden's Local Plan 2017, the latter is governed by the terms of the Regulations. The LPA requested an application for planning permission in order to *"address the design and amenity impacts of the structure on the surroundings"*[A]. An integral part of the proposal however includes the living wall, of which TfL have installed several in London. The purpose of the living wall is not only aesthetic, although the ability to improve and enhance views within densely populated urban areas, shouldn't be underestimated. The real benefit and determining rationale for the installation of vertical swathes of greenery across the TfL estate is the ability to improve air quality and promote biodiversity on London Streets. Detail on the benefits of the living wall and the method of installation is contained within the application documents. This type of greening is becoming more popular for the both in the indoor and outdoor environment and is being trialled on other items of street furniture such as bus shelters on the TLRN.

As mentioned earlier, and elaborated within the submitted documentation, the proposal aim is in part the improvement of the design and look of the vent shaft so that it better relates to the local context, an aim which is diametrically opposite to the LPA's perceived effect if the structure was permitted. The LPA's officer report recognises the character of the area and describes it thus;

> *" The area is dominated by modern architectural tall buildings surrounding the site, which provide commercial and office uses including retail at ground floor level. The site is not in a conservation area and is not listed, nor are there any listed buildings within the immediate vicinity."*[B]

[A] Para 1.4 of officer report at Appendix JCD 1
[B] Site description in officer report at Appendix JCD 1

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It remains the Appellants view that the appeal site is appropriate for roadside display and the proposal will enhance rather than detract from the character and appearance of the area and that planning permission and advertisement consent should be granted.

Yours faithfully

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Appeal Grounds

Appeal by JCDecaux UK Limited (JCD) against the decisions of the London Borough of Camden to Refuse Advertisement Consent and Planning Permission to Erect a Steel Envelope around an Existing Concrete Vent Shaft with integral Living Walls and Advertisement Display

Site: **Land at Euston Circus Euston Road London NW1 2AF**

JCD Ref: **A01348**

LPA Ref: **2019/0754/P and**
2019/0131/A

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The appeal grounds are that;

1. The site is adjacent to Euston Road, the A501, which becomes the A40 beyond Edgeware Road and is one of the busiest roads in London. The proposal will see the reinterpretation of an unattractive concrete building into an architecturally designed structure, which incorporates vertical living walls and an integral advertisement display. The appeal site lies within an area of mixed character, with several tall office and hospital buildings to the north and south, which dominate local views and against which the proposal would appear subordinate. Advertising is not an uncommon feature of the local area as can be seen at the buttress walls to the Euston Road underpass. The proposal is not therefore an unacceptable or incongruous form of development that will harm the local character of the area.

2. The new structure would not be unduly bulky or appear discordant in its context, which includes hard surfaced roadways and tall commercial and institutional buildings. The proposal, unlike the existing vent shaft building, will have a sculptural form with a gently curved roof design that will frame the advertisement display unit. This display will face west and be visible to drivers exiting the Euston Circus junction on along Gower Street. The appeal site is an existing advertised site and it is considered that it remains a suitable location for the continued advertising use, in amended form, without resulting in harm to the interests of visual amenity or public safety. The appearance of the existing advertised structure provides an opportunity to improve the local area and the proposal would introduce an attractive feature of high quality design that would add interest and enliven the otherwise austere surroundings. In this way the proposal would accord with Policy on design and quality of development and sympathy to locality.

3. The proposal is designed to be visible and the external finish will make a commending visual statement that is likely to draw the eye. The proposal however will fall short of being overly dominant or harmful as a result. The careful choice of material, both perforated and solid cladding, together with the extensive use of living wall for large sections of the external façade, will reduce the overall scale and mass of the structure to present an attractive and

complementary addition to the street. Views of the structure within the street context are confined to the extent of the junction only and across busy carriageways, against a backdrop of taller buildings on both sides of the road. The use of comparable external finishes that match other building within the area will also have the effect of melding the structure into the visual context. Once again, the quality of design and investment in green infrastructure accords with the aim of creating better quality and attractive places.

4. Views of the structure are also filtered through the canopy of trees along Gower Street and at Euston Circus itself. The proposed advertisement will be seen within a short distance from the junction and only for those drivers travelling east towards Gower Street. Nothing of the advertising display will be visible to the north, south or east of the site. Conditions on the operation of the advertisement display as suggested at Appendix JCD 2 which seek to ensure the form and content of the display are static and that the lighting levels do no exceed ILP guidance.

5. The new structure and display would not appear out of place given the mixed character and built form in the area and the existing large format advertising, which all contribute to and influences the character of the area. The structure would be visually read as an attractive sculptural form standing comfortably in the townscape and in this location would not be an unexpected feature in the street scene. Contrary to the LPA's expressed view, the proposal would not appear out of place in these views or stand out as an incongruous feature. As such, there is no conflict with development plan Policy.

6. The proposed alteration to the existing structure will increase its footprint but not to the detriment of pedestrian movements. The space between the footpaths, within which the existing vent shaft sits, is 4.8m. The footprint of the structure, which does not include the tapered section above 2.5m is 5.2m meaning an encroachment of 200mm for either footpath. This would retain an adequate path on both the north and south side of the new structure. Should the Inspector be minded to grant permission, but deems further clarification on this point is needed, the appellant would accept a condition that requires a more detailed topographical surveyed to be prepared and submitted for approval. It remains however the Appellants view that any reduction in pavement width is not significant.

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In light of the above points and of the detail contained within the application document, the Inspector is respectfully requested to uphold this appeal and grant planning permission and consent for the development applied for.

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Appendix JCD 1 LPA Officer Report

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Appendix JCD 2 Suggested Conditions

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under the Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome.

6. The approved screen will only be used to advertise a single product at any one time and not include any animation in the transition from one image to another.

7. The display hereby permitted shall be static, two-dimensional only, with no moving or apparently moving images, devices, wording or emblem.

8. The illumination at the site shall be a static form with a maximum luminance level of 300cdm^2 from dusk to 12:00 a.m. and 150cdm^2 between 12.00 a.m. and dawn.