



1 ST GILES SQUARE
LONDON WC2H 8LH

INSTALLATION OF 1912 sqm OF INTERNALLY ILLUMINATED INTERMITTENT DIGITAL LED DISPLAY TO THE INTERNAL WALLS, CEILING AND FLOOR OF THE URBAN GALLERY IN CONNECTION WITH THE REDEVELOPMENT OF ST GILES CIRCUS SITE

Application for advertisement consent reference: 2020/1910/A

17 May 2020

The Bloomsbury Association objects to this application and wishes to make the following comments.

1. The need for review

The original permission (2012/6863/A), which has now expired, was submitted on 19 December 2012 and granted on 31 March 2015. It was subject to additional clauses being added to the Section 106 legal agreement on the related planning permission (2012/6858/P). These were to secure a review of the operation of the advertisement consent and use of the proposed 'Urban Gallery' following 2 years of operation and a review of the servicing arrangements after 1, 3 and 5 years of operation. There were also conditions proposed relating to light intensity, noise emissions and hours of operation, none of which were included in the final decision for 2012/6863/A.

The current proposal is based on information resubmitted from the original proposal, which is 7½ years old. A lot has changed over this period including the implementation of the West End Project with different traffic and pedestrian flows; Westminster's emerging proposals for the Oxford Street District; reconsideration of the function of retail and the role of the high street; new residential developments close to the site and a whole new attitude towards 'good growth', safeguarding amenity and intensification of development that is reflected in the New London Plan together with current Local Plan policy and new design guidance. There is also a new attitude towards the use of public realm questioning the desirability of encouraging crowds to gather for events in public spaces both in response to security concerns and the ongoing Covid-19 pandemic.

This development, as a potential anchor to the depressed eastern end of Oxford Street, is establishing new thresholds, not-so-new uses and new precedents that have never been tried, or never been pushed to such extremes before. The human race is pretty good at finding clever ways to push things to extremes as the global economy and the intensification of development in cities around the world demonstrates. However, sometimes things are pushed too far, they start to harm the things you value, cherish and safeguard and eventually fail catastrophically. The current virus pandemic is a case in point as is climate change, Heathrow expansion and the failed 60s experiment with high-rise social housing.

This is an appropriate moment for the Council to take time to reflect, to reconsider and review the strategic function of this proposal, its beneficial effects and its adverse impacts. It is time to be asking questions rather than rushing into a decision blithely assuming planning policy and society's values are exactly the same as they were 7½ years ago. They are not.

2. Spatial impact

Prior to current development commencing, the northern flank walls of buildings on this site were used for 'temporary' advertising hoardings for several decades. The current proposal must therefore be regarded as following the pattern of previous development by seeking to follow an

established and unfortunate precedent for further commercial excesses regardless of their impact.

Indeed, the applicant's agent infers this in their cover letter dated 29 April 2020 where, in describing site and location, reference is made to the opportunity for further commercial exploitation of public space:

"The Urban Gallery forms part of The Outernet, which will be the first of a global network of immersive entertainment districts showcasing music, film, arts and retail experiences. The digital LED screens are central to The Outernet operation, providing a carefully curated digital environment. The proposals represent a move away from conventional advertising, seeking to engage people in new and relevant ways. For a space to be relevant and engaging to its users, it needs to offer the chance for interaction. People are becoming increasingly immune to conventional advertising and it is not benefitting the retail offer of our high streets or the experiences of people in our city.

It is proposed that the digital skin will be used to interact and engage with people... The Outernet can be thought of like an ever-changing media channel that provides information like the iPad, whilst also receiving information from its users and programmers. It is always changing, informing, entertaining and educating... as part of an integrated approach to retail function and the use of public realm moving forward."

This describes a very different, and now somewhat dated vision to that of the Council's West End Project and Westminster's Oxford Street District. It looks to argue that footfall and the number of passing vehicles provides a strong business case for a revenue-generating, immersive advertising experience and performance venue with only token consideration of the impact on amenity and the appearance and character of the streetscape and the conservation areas that they are a part of. This might have been regarded as the way forward ten years ago but things have moved on.

In recently commenting on excessive digital advertising proposed for Tottenham Court Road, we concur with Cabinet Member for Improving Camden's Environment, Councillor Harrison, whose view is 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 and a vague, out of date, marketing pitch. Real place-making deserves better.

3. Planning policy

Camden's planning policy concerning advertisements is informed by the principles of Local Plan Policy D4 (Advertisements), by DCLG guidance *'Outdoor advertisements and signs: a guide for advertisers'*, by Camden Planning Guidance: CPG Design and CPG Advertisements and TfL's *'Guidance for Digital Roadside Advertising and Proposed Best Practice'*. Camden policy and design guidance was all revised after the original application was submitted.

In Local Plan Policy D4, Camden has formulated and adopted advertisement control policy statements, indicating what detailed considerations are regarded as relevant to their decisions on advertisement applications. These 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 criteria described in sections 7.81 (a) and (b) of Policy D4, which the Council would otherwise support; it meets the criteria described in 7.81 (e), (f) and (g), which the Council would resist. Policy D4 also states that *'The Council will resist advertisements ... that are above fascia level or ground floor level, except in exceptional circumstances'*. This proposal is 4m above street level and 15-23m high.

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. These are restated in Policy D4 and CPG Advertisements.

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-boarding 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.'

4. **Amenity**

Local Plan provision for the Tottenham Court Road growth area is also relevant. 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, significantly, also from Soho Square. Contrary to Local Plan 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 Row 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. It will be particularly damaging to the setting of St Patrick's church when viewed from Soho Square. No evidence is provided with the application to justify such a dramatic change in the proposal's impact on London's streetscape. The location plan accompanying the application ignores the city context totally, which is so important in assessing the proposal and give a clear insight into the applicant's objectives.

In commenting on the original application, The City of Westminster stated: *"The proposed advertisements are considered wholly unacceptable, by reason of their design, appearance, size and location. They will be seriously harmful to the setting of the Soho Conservation Area, to local views and the setting of adjacent listed buildings". They added: "The City Council considers that this location is unacceptable in principle for the display of large scale advertisements".*

CPG: Advertisements, Section 1.38, states that *'digital advertisements are by design visually prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas. Factors which make a location less suitable for digital billboards include locations: within conservation areas; ... near listed buildings, and where the advertisement could become the most prominent feature of the street scene.'* The proposal is located in the Denmark Street Conservation Area and is immediately

adjacent to Centre Point, which is Grade II listed. Section 1.7 states: *'Advertisements will not be considered acceptable where they adversely impact upon amenity and public safety'*. Furthermore, 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"*.

We are surprised that the Council agreed to even register the application without any current visual or aural impact assessments including photomontage images from key viewpoints. Information prepared 7 ½ years ago cannot be relied on. 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, who objected to the original application, may 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.

The dimensions of the current proposal are given in the revised application together with area, which at 1,912 sqm is large. It is damaging to the architectural setting of Centre Point and to the public piazza being created at its base and we concur with the Planning Inspector's view, in dismissing the appeal of a previous refusal on this site in November 2015, that the proposed advertisement was not acceptable in its impact on amenity.

Noise

Advertisements do not usually make noise and Policy D4 does not consider that possibility. This proposal does make noise, and a lot of it.

The Environmental Statement submitted in support of the original application states in the assessment of noise and vibration in Section 12: *'The gallery space at ground level may occasionally present events that use amplified sound, for example film presentations or special events, and they may generate large gatherings of visitors'*. It anticipates noise emissions exceeding 90dBA and goes on to say: *'When the facade is fully open there will be limited attenuation of sound levels other than normal reduction with distance. This will result in an increase of operational sound levels at nearby receptors'*. The effect significance at Centre Point is assessed as 'major adverse' without mitigation and 'moderate adverse' with mitigation. We understand that a noise mitigation plan has yet to be prepared, agreed and incorporated into the design before operation.

We do not feel it is a sensible way forward to rely on environmental assessments completed in December 2012 that were based on now out of date data and planning policy. To be representative, background noise level surveys should be carried out within two years of the acoustic assessment because the local noise climate changes. In the area concerned, in the intervening period there have been significant changes due to Crossrail works, the West End Project, associated new traffic arrangements and a decrease in bus services using Oxford Street.

Local Plan Policy A4 post-dates the original permission and states: *"The Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration Thresholds. We will not grant planning permission for:*

- a) development likely to generate unacceptable noise and vibration impacts; or*
- b) development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses. We will only grant permission for noise generating development... if it can be operated without causing harm to amenity".*

Light

Equally, the conclusions reached in Section 8.5 on the light impact of the media display appears inconclusive in advising that *'...with the potential of future events requiring the LED media screens to be operated at higher outputs during the hours of darkness, mitigation measures should be implemented to ensure the specific criteria requirements are maintained'*. It goes on to say: *'The computer software simulation calculations undertaken in the 'future condition' assessment accounted for the 'worst case scenario' (louvers opened to 90° with screens on at*

100% output). In this scenario the spill light (illuminance) onto the surrounding areas and adjacent building receptors indicates an indiscernible significance using a notional 1500nit or cd/m2 screen, however, the visual brightness of the screens could create a potential for high luminance values when viewing the building if a LED screen product with a higher luminance specification is used'. Mitigation measures are proposed but we understand these have yet to be prepared, agreed and incorporated into the design before operation.

Light pollution from the proposed display board will impact on the amenity of residential uses directly opposite in Centre Point, Centre Point House, Matilda House and on Charing Cross Road. It may also have an effect on residential uses on the upper floors of 5 Great Russell Street, Hanway Street and Medius House on New Oxford Street, currently under construction. Noise pollution may have a greater and far reaching effect. The bells of St Giles-in-the-Fields church are audible in Bedford Square.

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 artwork is based on the use of colour and light, the effect of which would be completely overwhelmed by the proposed display.

The Environmental Statement's conclusions cannot therefore be relied on and it is therefore misleading for Iceni to conclude in their covering letter that '*...no detrimental impact on residential amenity is expected as a result of the proposals*'.

5. Public safety

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 the West End Project has now part implemented proposals for two-way traffic on Tottenham Court Road so there will be a similar risk to pedestrians crossing at the traffic light-controlled crossing close to Great Russell Street. On becoming fully operational, diagonal pedestrian crossings will be introduced at the junction of Oxford Street, New Oxford Street, Charing Cross Road and Tottenham Court Road and this part of Charing Cross Road will be two-way for all traffic at certain times of day, not just buses and taxis as Iceni state in their covering letter.

The Road Safety Assessment and Addendum submitted in support of this application was prepared in December 2012. It is too old to be relied upon and includes no mention of the West End Project and the associated new traffic arrangements. Its comments on the effect of levels of luminance are inconsistent with those in the Environmental Statement and therefore cannot be relied on either.

The Road Safety Assessment expressed some safety concerns and recommended that works be carried out in Charing Cross Road to reduce potential accidents, in particular: *'It is accepted that there will be some distraction caused by the screens... The main impact on risk and the safety of pedestrians is vehicle speed. If vehicle speed can be kept low, particularly in the area of highest conflict, the risk could be significantly reduced and the result of an injury collision is likely to be slight.... The most effective method would be to raise the proposed controlled crossing onto a long speed table so that vehicle speeds would be lowest at the potential conflict point'*.

The whole purpose of the media screens is clearly to distract and draw attention. As it appears the times of day when the screen will be visible is not conditioned and the mitigation works mentioned above are not being carried out, were there to be an accident, or accidents, Camden Council may have legal liabilities. This may not be a material consideration for this application but it is another potential impact that the Council should be aware of.

In the light of security concerns and the ongoing Covid-19 pandemic, the desirability of encouraging crowds to gather for media and performance events in public spaces are new public safety considerations that have arisen since the original application. They need to be addressed.

6. Precedent

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 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 the West End's streetscape, which this 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
Councillor Timothy Barnes, City of Westminster
Jonathan McClue, London Borough of Camden
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Bedford Estates
Bloomsbury Conservation Area Advisory Committee
Bloomsbury Residents' Action Group
Covent Garden Community Association
Fitzrovia Neighbourhood Association
Seven Dials Trust
Soho Society
South Bloomsbury Residents' Association
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