

JCDecaux

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22nd February 2021

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

Our Ref A01460
LPA Ref 2020/3341/A
2020/2878/P

Dear Sir/Madam

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

Appeal Site: Land at Euston Circus Euston Road/Gower Street London NW1 2AF
Appeal Type: i) Refusal of Consent to Display an Advertisement, and
ii) Refusal of Planning Permission to Erect a Steel Envelope around an Existing Concrete Vent Shaft

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

Application Background

This current proposal is a resubmission of an earlier scheme refused by the Council and dismissed at appeal in 2019 due to the overall scale of the proposed structure and advertisement display^A. In that earlier proposal, the resultant buildings scale was considered excessive in height and width and thereby liable to dominate the space, to the detriment of local character and appearance and the free movement of pedestrians. Since that decision, the appellant has considered the appeal comments and substantially reduced the size of the building and advertisement to better fit the scale of the existing vent shaft. The reduction in width and tapered base of the structure will also ensure that the existing pedestrian routes either side of the structure will be unaffected.

The appeals concern the alteration of an existing item of Transport for London (TfL) (London Underground Limited) infrastructure at Euston Circus, which is a tall concrete

^A Decisions APP/A5210/H/19/3227881 & APP/A5210/H/19/3227883 dated 15th August 2019

and timber clad vent shaft structure. The vent shaft dates from the mid 1960's and was altered in 2004 to include an advertisement display affixed to the north facing façade. The structure is a functional building and although it has been part of the local area for several decades, it is not an attractive building and it has a negative effect on the amenity and appearance of the area.

The appeal site is surrounded by new and modern multi-storied developments, which include Regent Place, Euston Square station/Welcome Trust extension and the University College Hospital building that provides the immediate backdrop. The junction at Euston Circus and underpass have also undergone a transformation in recent years to improve the public space and provide a face lift to the functional concrete underpass. These works were in part financed through the income from the advertisement displays affixed to both sides of the road bridge and visible to drivers on the underpass.

The appeal proposal is designed to give new life to the appearance of the shaft structure through external cladding and integral advertisement display. The inclusion of the advertising element of the scheme, as with those within the Euston Circus improvement works, will provide a new revenue stream to fund the works and maintain the structure without cost to TfL. This type of innovative public and private partnership approach is an important form of collaboration that enables essential works to be financed privately without further drain on already strained budgets. Roadside advertising has for many years been a valuable source of such funding for public works with over 60% of all revenue derived by this method being reinvested in such benefits.

The context of Euston Circus and the recent improvements in the area focusses the spotlight on the poor quality of the vent shaft and the need for rethink the design and its contribution to the area. The vent shaft is a functioning and essential part of the underground infrastructure that cannot be removed. The appearance of the structure has remained unaltered throughout the period of evolving townscape and now stands as a rather graceless relic of the 1960's that visually jars with the more modern clean lines of the built form that surrounds it.

Details of Proposal

The proposal is the result of a partnership between JCDecaux and TfL, the authority responsible for the roads and transport in London, including the maintenance of fixed and aging assets. The proposal for the Euston vent shaft will achieve several important objectives, one of which has been the aspiration to transform the concrete block into something more attractive and which 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 utilitarian block beneath. Should the appeals be allowed, and the development proceed, the concrete structure will be surveyed, and necessary repairs made to any defects found in the outer concrete layer. The concrete will be treated and sealed before the construction of the frame and cladding, which will also prevent any further weathering and decay. The outer shell has the look of a modern sculptural form that will provide visual interest and complement the eclectic mix of buildings within the area. The structure is designed to accommodate a single portrait advertisement into the south west facing façade, which will be used to show static commercial images as well as emergency safety or transport related announcements of TfL. This proposal is an innovative and inventive response to a legacy structure that will create a design that enhances the public realm and built form in the area.

Application and Decision

Applications for planning permission and advertisement consent were submitted on the 26th June 2020 via the Portal. The applications were conjoined under separate reference numbers 2020/2878/P and 2020/3341/A and determined on the same day, refusing Planning permission and Advertisement consent on the 2nd February 2021 for the following reasons;

Planning Decision Notice 2020/2878/P

“ The steel frame and envelope, by virtue of their size, scale, design, location and materials would be an incongruous and overly dominant feature that would harm the surrounding area, detracting from the clutter free aspect from Euston Circus. 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 area, contrary to policy D1 (Design) of the Camden Local Plan 2017.

The steel frame and envelope, by virtue of their size, scale, design and location, would be detrimental to the free movement of pedestrians, cyclists and the visually impaired contrary to policy T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017 ”

Advertisement Decision Notice 2020/3341/A

“The proposed LED digital advertising screen, by virtue of its size, scale, design, location and method of illumination, would be an incongruous and dominant feature. The advertising screen would create visual clutter through the introduction of an illuminated fixture at high level which would have a detrimental impact to the character and appearance of Euston Circus. Therefore, the commercial advertising screen would fail to preserve or enhance the visual amenity of the area contrary to policy D4 (Advertisements) and A1 (Amenity).”

A copy of the Officer Report is included as JCD 1 to this statement.

The appellant considered that the issues in this case are straightforward and that the nature of the revised proposal addresses the concerns raised in the earlier appeal. It is considered that the changes in the scheme mean that the development would not result in the putative effects as described in the LPA’s decision notices. There are therefore, sufficient grounds to appeal the decisions for consideration by 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 decision reasons and the provisions of regulation 3 of the 2007 Regulations, the appellant would suggest that there are three issues for the Inspector to determine at this appeal, which are:

- Whether the nature of the alterations to the vent shaft building have a harmful effect on the character and appearance of the area?
- Whether the proposed advertisement display harm the amenity of the local area? and
- Whether the external cladding of the vent shaft hinder the free movement of pedestrians?

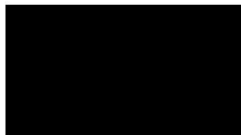
The appellant would answer each of these questions in the negative and further contend that the revised proposal will have a beneficial effect on the locality and make a positive improvement in the appearance of the site. The appeals address both planning and advertising matters, the former governed by the development plan policies contained within Camden’s Local Plan 2017, the latter by the 2007 Regulations. The appeal statement will therefore examine the reasons for refusing planning permission and advertisement consent and the cited Policy and Guidance applied to the determination. The statement will also highlight the principal changes made to the scheme under the recent amendments and why it is believed that they overcome the former expressed concerns.

Points that are contested by neither party include;

- that the nature and position of the advertising display would not endanger road users and therefore matters over driver safety do not arise;
- that the local townscape is characterised by modern, high rise, buildings that include offices, commercial and retail activities;
- that the existing vent shaft structure is an essential part of the rail network and the need to maintain it the surrounding road infrastructure is extremely busy with large volumes of traffic movements throughout the day and night;
- that the appeal site is not within, nor near to, a conservation area and there are no heritage assets close by.

It is the appellant's view that the appeal site is an appropriate location for the size and type of advertisement display in this proposal and that the cladding of the vent shaft building will enhance rather than detract from the character and appearance of the area. The Inspector is therefore invited to agree that the amended proposal is now of an acceptable scale and that planning permission and advertisement consent should be granted.

Yours faithfully



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

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 for the display of an Advertisement.

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

JCD Ref: A01460

LPA Ref: 2020/2878/P & 2020/3341/A

1.0 Comments of the LPA's Decisions *Planning Permission*

- 1.1 The decision notice on the application for planning permission states, notwithstanding the alterations to the earlier scheme, that the size, the scale, the design, even the location and the materials to be used in the construction of the exterior cladding of the structure would make it incongruous and a dominant feature of the area. Furthermore, it states that the reimagined vent structure would be detrimental to character and the appearance of the area contrary to policy D1 of the local plan. The second reason concerns the erroneous belief that the structure will impede free movement, particularly for pedestrians along the northern façade of the structure, contrary to T1 of the Local Plan.
- 1.2 Addressing the latter point first, the revised structure scale, acknowledged in the officer report^B, was to address *inter alia* the reduction in the width of available footpath along the northern side of the vent shaft. The revisions, devised in consultation with LUL Engineering, will see the bottom of the cladding tightly fitted to the concrete structure and taper outwards as the structure rises from pavement level. This feature means that the width of the footpath would not be impinged upon through this development. The northern footpath, represented below by three paving slabs, is 1800mm wide which widens to 2900mm between the vent shaft and the buttress wall of the underpass (white arrows below). This current proposal will narrow that gap by only 200mm to 2700mm (red dotted line). This gap is further narrowed to 2375mm but only at a height of 2500mm above ground level when the taper reaches its full extent, which is well in excess of average heights.



^B Part 1 page 7 of JCD 1

- 1.3 It is not accepted therefore that the revised scale of the structure and its relationship with the footpath would unacceptable impinge on the public footpath or impede free movement. As the LPA accepts^C, the minimum standards required by TfL in the design and layout of public footpaths would be met and exceeded in this proposal. In terms of the adopted guidance, the standards specify a minimum 1800mm width to allow two people to pass and 3000mm for heavily used footpaths, which is not the case here. The northern footpath is not the only available footpath on which to travel. There also exists a footpath to the south of the vent shaft structure which is wider and closer to Gower Street and consequently the one most used by pedestrians. In summary therefore, the revised design of the structure would not obstruct the footpath or be contrary to Policy T1 of the Local Plan.
- 1.4 Turning to the other issues of structure scale, design, location and materials. The LPA readily accepts that the proposal has been considerably reduced in scale and mass to be closer to that of the existing structure^D. It is worth examining the differences between the existing structure, the former proposed treatment and the current proposal to understand the extent of the changes. At the moment the existing structure, which includes the timber cladding affixed to the concrete sides of the building, stands at 7900mm and 3100mm wide, with a projecting advertisement affixed to the northern elevation. The former proposal was for a structure with a height of 10625mm high and 6150mm at its widest, with an overall length of 9355mm. As concluded in the appeal decision, this scale of development would;

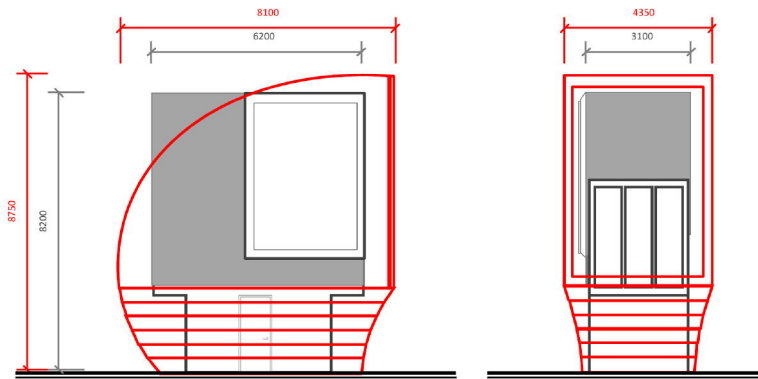
“...be significantly taller and wider than the existing vent shaft... A structure of such a size would tower above this space and would visually dominate the otherwise uncluttered public realm in this location.”

- 1.5 Since the appeal decision the appellant, with LUL engineering, have rethought the structural requirements for this proposal and devised a way to reduce the overall bulk and mass of the structure and bring it closer in line with the scale of the existing built form. The changes include the integration of the venting routes to the steel frame with the creation of two openings in the concrete along the northern and southern façade. The amended scheme also removes the need to maintain an inspection chamber around the base of the shaft. The renovation and sealing treatment planned for the concrete means that the current annual inspection of the structure will not be necessary, as the treatment will be guaranteed for ten years, at which point the outer cladding

^C Para 6.4, page 14 of JCD 1

^D Paras 1.3-1.4 page 11 of JCD 1

will be entirely removed and the vent shaft re-inspected with any defects remedied at that time. These fundamental changes have enabled the structure height to be reduced to 8750mm at its highest point, sloping to approximately 5500mm at the eastern end. The below illustration shows the side outline of the new structure superimposed over the existing vent structure.



- 1.6 The greatest saving is however in the width of the structure which is reduced to 3300mm at the base, which is only 400mm wider than the vent shaft itself, tapering out to 4350mm above 2500mm. The overall length of the resultant building at 8100mm also favourably compares to the existing vent shaft at 6200mm.
- 1.7 These changes, from the original proposal to the revised design, are significant and bring the revised structure closer to the extent and scale of the vent shaft structure it will encase. The revised design will ensure the structure does not overwhelm the space or, as considered in the earlier scheme, introduce a high-level structure that fails to relate to the scale of the existing structure or buildings in the local area. The proposed advertisement will be approximately 500mm above the existing advertisement on the northern façade, as opposed to the 2500mm increase under the former proposal. The appellant would therefore suggest that the revised scheme represents a more sympathetic form of development that would not appear incongruous within the context of the appeal site or be detrimental to the areas character or appearance.

- 1.8 The aim of creating a building that complements the area is further illustrated in the choice of material for the external cladding of the vent structure. The closest building to the appeal site is the modern façade of University College Hospital London, images below. The external finish of the hospital building is a combination of silver/white coloured clad sections with distinctive green glazing and corner section above a projecting glass canopy. It is a modern development and one that dominates the skyline and local views. Given the close proximity to the hospital building and in order to compliment, rather than jar, with this setting, the same external materials will be used to clad the vent shaft. The aim of the appeal proposal is to take an unattractive existing feature of the street and improve its appearance rather than introduce a new building.



- 1.9 The appellant sees no conflict in this proposal with either local or national Planning Policy. In respect of local Plan Policy D1, the aim is essentially to ensure development fits the local context, that is of a high standard so as to improve the street and make a positive contribution. The Policy requires development to respect the character of the surrounding area and complement it through materials and design. As stated above and in the application documentation, all these laudable aspirations are met in this development. The appeal site is a busy urban setting with largescale buildings that are overwhelmingly modern in their appearance. This proposal aims to improve the

appearance of an ugly functional structure so that it befits the quality and look of the locality.

- 1.10 As for the advertising element, Local Plan policy on the whole repeats the substance of the PPG on advertising in terms of the dual criteria. General guidance applies the same principles of ensure a display is appropriate to its setting and does not harm important views or spoil the appearance of a building. Although local policy in the form of policy D4 places a requirement for positive improvement that isn't required by the Regulations, nevertheless this proposal clearly does seek to improve the building to which it would be affixed and create something interesting, bold and modern, but falling short of appearing alien to the context of Euston Circus.
- 1.11 The significant reductions in the height and size of the advertisement addresses the earlier concerns and presents a size of display that is proportionate to the building and is not overwhelming on the area. The advertisements permitted either side of the road underpass are each three times larger than the current appeal proposal and as visible a part of the local area as the appeal site location.

2.0 Appeal Grounds

1. The site is adjacent to Euston Road, one of the busiest roads into and out of London. The proposal will see the reinterpretation of an unattractive concrete building into an architecturally designed structure, which incorporates an integral advertisement display. The proposed development, within an area of mixed character featuring modern high-rise buildings, would not appear out of place or character subordinate.
2. 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.
3. The proposal 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

without resulting in harm to the interests of visual amenity or public safety.

4. The redesigned structure will improve the appearance of the existing structure and represent a high-quality design that would add interest and enliven the surroundings, in accordance with policy.
 5. The revised scale of the structure and integral advertisement would be a visible part of the area but remain subordinate to other built form, falling short of being overly dominant or harmful to amenity.
 6. The use of comparable external finishes that match other buildings within the area will also have the effect of melding the structure into the visual context. The quality of design accords with the aim of setting a high standard for development and attractive places.
 7. The advertisement will be seen within a short distance from the junction at Euston Circus 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 set out in JCD 2, will ensure the form and content of the display are static and that the lighting levels do not exceed ILP guidance.
 8. The proposed alteration to the existing structure will marginally increase the structures footprint but not to the detriment of pedestrian movement or safety.
- 2.1 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 advertisement consent for the development applied for.



Appendix JCD 1 LPA Officer Report



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 300cdm² from sunset to 12:00 a.m.
9. The advertisement display shall be switched off between the hours of 12 a.m. and 6 a.m.