

**GROUNDS OF APPEAL**

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

**London Borough of Camden**

**Planning Application Reference: 2022/0730/A**

**Underground Entrance 17-23 Euston Road**

**London NW1 2RY**

**4th August 2022**

## **1. Introduction**

This appeal is made by London Lites Ltd against the non-determination by the London Borough of Camden of planning application number 2022/0730/A.

This planning application was submitted on 23rd February 2022 and should have been determined within 8 weeks. The appellants have not agreed a time extension for the determination of this application and Camden Council have not responded to emails or telephone calls made by the appellants.

The proposal was for two LCD digital advertisement displays on either end of the underground entrances to King Cross station.

## **2. Site and Surroundings**

The appeal sites are two shelters covering the entrances to the London Underground and it is proposed to locate the advertisements on the ends of these shelters. The shelters are owned by Transport for London. The site is opposite Kings Cross main line railway station. The surroundings are predominantly commercial in character and the displays are located outside a McDonalds, a Post Office and a bar/restaurant. The A501 Euston Road is a 5-lane, well-lit main arterial road and is a very heavily trafficked part of the ring road surrounding the London Congestion Charging zone. The Euston Road at this point is dominated by the road and rail network but is also a busy shopping area with a variety of large and small retail units.

There are two similar sized digital advertisements immediately opposite the appeal site outside Kings Cross Station on two bus shelters. These advertisements were granted consent on appeal (Reference 2016/1582/A).

There are also other advertisement displays of various sizes associated with the commercial units and shops in the immediate area.

## **3. The Proposal**

With reference to the attached drawings, the current proposal is to erect two LCD digital advertisement displays measuring 1.8 metres wide by 2.7 metres high. One display will face eastbound traffic and the other westbound traffic on Euston Road.

The LCD displays will show one or more sequential static images.

The environmental advantages of this new energy efficient digital display over traditional advertisements is that there is no longer a need to print and dispose of PVC or paper posters. There is a subsequent reduction of vehicle miles and CO2 emissions as there will not be a need to physically change and maintain the traditional posters. These LCD displays will be remotely operated; saving fuel, reducing traffic and material consumption.

It is proposed that the luminance of the advertisements will be limited to a maximum of 300cd/m<sup>2</sup> during the hours of darkness and 600cd/m<sup>2</sup> during the day. The advertisement screens are controlled by light sensors that vary the brightness of the displays according to the ambient light conditions. So, it would be reasonable to assume that the luminance of the proposed displays will be less than these maximum levels for substantial periods.

The screens will operate at an illumination level in accordance with the guidance prescribed by the Institute of Lighting Professionals PLG05. Technical Note 5 of these guidelines recommend a maximum luminance of 300 cd/m<sup>2</sup> during hours of darkness (dusk until dawn). This level of luminance is the standard level for digital displays.

We believe these displays are of a suitable size, scale and design which is in keeping with the surrounding properties. The LCD displays will show one or more sequential static images.

These LCD digital displays are gradually replacing more traditional advertising panels throughout the UK and they are a familiar feature especially in London.

The advertisements and images on the display will not change more than once every ten seconds and any changes of the image will appear instantaneous and take place over a maximum period of one second. The displayed image will be static and will not include any animated, moving, intermittent or video elements. The LCD panels have a safety feature that will turn off the screen, to black, if the display has an error or malfunction.

This display is one of the smallest forms of commercial roadside outdoor advertisements. It will be slim and straightforward in its overall form and of the highest possible standard and represents a substantial investment.

Advertisement displays in commercial areas can contribute to a lively, vibrant, modern and successful economic area and the messages help support retail activity. Euston Road is a city centre area with a thriving economic environment and there is certainly a demand for this type of commercial advertising.

Outdoor Advertising is essential to commercial activity in a free and diverse economy and is an important part of a healthy economy, stimulating consumer demand, attracting investment and in turn creating jobs and generating tax revenues.

#### **4. National Planning Policies**

The National Planning Policy Framework (July 2021) states in Para 136 that 'Advertisements should be subject to control only in the interests of amenity and public safety taking account of cumulative impacts'.

We outline below our submission that the proposal is considered acceptable in the interests of amenity and public safety. Euston Road does not have an excessive amount of advertising material and these advertisements are standalone features and will not add to any existing or cumulative advertising clutter.

National Planning Policies and in particular Planning Practice Guidance Paragraph 079 (updated March 2014) states that an advertisement 'would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.'

We believe this proposal, in this neighbourhood, adheres to these amenity criteria as the A501 Euston Road is a commercial area and a well-lit five lane arterial road and the area has large buildings of a substantial scale. It is believed the size and scale of the proposed advertisements are modest located on a functional and utilitarian underground entrance and they would not be out of place set against the surrounding shopfronts.

It is suggested that this is the type of busy arterial road where well-placed advertisements may be acceptable in the interests of amenity.

Planning Practice Guidance (Updated March 2014) Paragraph 067 states that 'There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality'. We believe this site on a major road corridor in a commercial locality, conforms to these criteria and it is submitted that the advertisements do not present a highway safety issue.

The proposed advertisements do not obscure or conflict with any other road signs or signals and the long range of visibility gives drivers ample time to assimilate the advertisement material within their normal field of vision. This type of digital

advertising display is a common feature on bus shelters and street furniture in Central London and it is believed that they do not present a road safety hazard.

This proposal for LCD digital displays, with reduced night time luminance, is slim and energy efficient. The LCD digital displays will be remotely operated, minimising vehicle movements, traffic, fuel consumption and carbon emissions. It complies with national policies and represents a substantial investment in a high-quality display.

## **5. Grounds of Appeal**

### **Non-Determination**

The grounds for this appeal are the non-determination of the original planning application within the 8-week statutory period. This was a straightforward planning application for consent to display two advertisements and at the time of writing more than 23 weeks have elapsed since the application was submitted. The appellants have not agreed a time extension for the determination of this application and Camden Council have not responded to emails or telephone calls made by the appellants.

### **Visual Amenity**

In terms of visual amenity, the area around this city centre site is urban in nature, heavily developed and opposite Kings Cross main line railway station. The surrounding area is entirely commercial in nature. This location is dominated by the road and rail transport hub. This may indicate that two small advertising units are suitable in principle. It is therefore submitted that the siting of the proposed advertisements are appropriate and not out of place, as the advertisements will be viewed set against the predominantly commercial backdrop of the Euston Road.

It is submitted that scale and size are a legitimate planning consideration. The size of these proposed advertisements at 1.8 metres by 2.7 metres are one of the smallest sizes of roadside advertisement displays.

It is considered that the scale of the proposed advertisements is not excessive, taking into consideration the size of the underground entrances and surrounding buildings. The majority of the surrounding buildings in Euston Road are between 3 and 10 storeys high.

The appeal sites are two modern, utilitarian and functional station entrance shelters with no outstanding architectural features. We believe that because of the relatively plain nature of the ends of the station entrances with no particular features, that the advertisement displays will provide some visual relief to an otherwise relatively bland frontage. The advertisement displays will make a positive contribution to the visual amenities, adding some colour, vitality and interest to the appearance of these shelters and support retail activity for local advertisers. Advertising plays an active role in the regeneration of the High Street.

The advertisement panels are set well within the host structure lines and near to the roadside, the vehicular traffic flow and existing bustling commercial activity. The advertisement displays will be at ground floor level and will be viewed in conjunction with the McDonalds, post office and public house behind the Underground entrances. The advertisements will not to be overly dominant or obtrusive. All the advertising material of both these displays and the commercial premises will remain at ground floor level. The advertisement material would be seen as relating to the commercial activity of this side of Euston Road and the transport network. In all the circumstances it is considered that the siting of these proposed advertisements is appropriate and will form part of the busy street scene.

We believe these LCD digital advertisements are an example of design excellence using the latest digital technology. The advertisements are bespoke units, utilising high quality materials to create attractive features and have been located at ground floor level to ensure that they do not impact adversely on the surrounding area. The materials are both attractive and hard wearing and will ensure the longevity of the displays and reduce the amount of maintenance required. They will be slim and straightforward in their overall form and be of the highest possible standard and represent a substantial investment.

It is believed, as the proposed displays are located on modern, utilitarian station street furniture and that they will not be out of place, nor detract from the visual amenities of the surrounding area.

## **Illumination**

We submit that Euston Road is well lit by street lighting and some of the fronts of the surrounding buildings are also well lit and it is intended that these displays will be viewed against this backdrop. We believe this proposal represents the latest in lighting technology with the lighting infrastructure self-contained within the advertisement displays.

The surrounding commercial shopfronts and the Euston Road are very well lit. Taking account of the background lighting conditions and the fact that the technical operations of the sign can be controlled and secured by condition, it is considered that the illumination would have no measurable impacts on visual amenity.

It would also be acceptable to the appellants, if a consent was considered, that it included a condition limiting the night time luminance to the level applied for, or, to a lower level of 150cd/m<sup>2</sup> if the inspector considered it appropriate. Similarly, the day time luminance could also be limited to 300cd/m<sup>2</sup>. Equally a condition limiting the frequency of advertisement change to once every 30 seconds would be acceptable to the appellants if the inspector considered it appropriate.

### **Conservation Area**

The site is located within the Kings Cross Conservation Area but near to the boundary of the Conservation Area.

It is submitted that this part of Euston Road has a commercial character of its own and this site is not within the core residential streets of the Kings Cross Conservation Area. The immediate surroundings of the appeal site are completely dominated by the Euston Road and the transport network. Whilst it is accepted that advertisements may not be appropriate on residential and smaller roads they are usually appropriately sited on large highways. The road system has 5 lanes at this point and is a well-lit major arterial road. It is on these types of trunk routes that advertisements may be acceptable and appropriate.

In any instance a Conservation Area should not preclude the display of an advertisement altogether. Not all conservation areas include areas of special advertisement control and advertisements are not prohibited within such locations. There is a mix of old and new buildings in the immediate vicinity. The juxtaposition of old and new is an accepted part of the architectural fabric and very widespread throughout London. Modern buildings and features such as digital advertising, as well as historic buildings are what makes London a great cosmopolitan capital city.

Many conservation areas include predominantly commercial, shopping and business uses where advertising may be appropriate when care is taken so that the displays are compatible with their surroundings. In such overtly commercial settings, the public is used to seeing and expects to see a range of commercial images and these advertisements form part of the areas profile and character.

In London many old buildings have retained their original facades and architectural features on the upper floors but the ground floor street level facades have been renovated to include more modern materials and advertising signage. This is the case of the buildings behind the appeal site and it is the active street level use of the building which defines the shopping parade and immediate area. We believe that these LCD advertisements, located at ground floor street level, will not be out of place in such a busy urban context.

Due to its location on the Euston Road the appellants submit that this location and this site, should be suitable for advertising displays without negatively impacting the heritage of the surrounding area. It is a commercial city centre area that should be able to accommodate some high-quality advertising displays.

Consent has previously been granted in the same Kings Cross Conservation Area for two digital advertisements on the bus shelters outside Kings Cross Station, immediately opposite the appeal site (Reference 2016/1582/A). There is illuminated advertisement material at street level relating to the commercial premises in the vicinity of the appeal site. This suggests that this part of Euston Road may be suitable for this type of advertisement. It is believed that these advertisement displays will be a vibrant and a positive feature, adding colour and interest to the city centre commercial area.

The host shelters for these advertisements are of a utilitarian and functional appearance with no outstanding architectural features. It seems difficult to justify that this structure, is part of the historic fabric of the Conservation area. The backdrop against which these advertisement displays are set, is altogether more modern and commercial. We believe that this proposal will integrate with the existing commercial activity surrounding the appeal site and will not harm the historic fabric that may be present on other roads and in other parts of the Conservation Area.

## Highway Safety

Camden Council have consulted Transport for London Crossrail Safeguarding Direction concerning this proposal who raised no objection and had no comment on this proposal.

As the Appeal site is on Transport for London (TFL) property it stands to reason that TFL will afford special attention to ensure that the appeal proposals do not endanger drivers taking reasonable care of their safety.

In matters of highway safety, the primary consideration is the likely behaviour of drivers on seeing the advertisements on the approach to the appeal site. The potential for distraction is less likely in areas where the presence of advertising is common. On the Euston Road drivers are used to seeing advertising imagery including the similar digital displays on the bus shelters opposite and other advertisements associated with retailers in the vicinity. It is therefore less likely that drivers will be easily distracted by these proposed roadside advertisements.

Euston Road is a wide straight road at this point. The surrounding area is predominantly commercial in nature, and the highway network is subject to a 30mph speed limit and is lit. These advertisements are located at low level as the bottom of the panel will be 900mm from pavement level. This will ensure that the proposed advertisements do not obscure or conflict with any road signs or signals and the long range of visibility gives drivers ample time to assimilate the advertisement material within their normal field of vision. It is believed that the advertisements do not interact with the sightline of drivers proceeding on Euston Road and as they are at street level there will be no safety conflict or interaction with the traffic signals.

The reinforced glass fronted LCD panels are designed for pedestrian safety so as to resist any breakage of the glass on impact. We also believe that the additional light provided by the advertisement displays will be beneficial for pedestrian safety during the hours of darkness.

This type of digital advertising display is a common feature on bus shelters and street furniture in Central London and it is believed that they do not present a road safety hazard.

## **6. Conclusion**

We believe that Euston Road is an acceptable place for some advertisements and the proposal for small roadside advertisements is appropriate in an area of such high traffic flow. The arterial road and commercial activities are the dominant features of the immediate locality and the advertisement displays will be viewed at ground floor level, set against and form part of the street level commercial surroundings and the transport corridor.

It is submitted that the two advertisements will not unduly adversely impact on driver distraction, and so do not present a risk to road safety or a danger to road users. There may also be a possibility that if the Inspector considered either of these advertisements unacceptable then a consent for just one of the advertisement displays could be considered.

We believe the advertisement displays will add colour and vitality to the street scene and otherwise bland street furniture. It is considered that this site is suitable for the proposed advertising displays and that they will not adversely affect or detract from the visual amenities of the street scene.

We submit that the scale and siting of the advertisement are appropriate taking into account the scale of the surrounding buildings and the commercial nature of the area and that this type of advertisement display is a common feature on street furniture throughout London.