



## Appeal Decisions

Site visits made on 20 and 21 October 2022

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 14 November 2022**

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### All Appeals

- The appeals are made by Mr Martin Stephens of JCDecaux against the decision of London Borough of Camden.
- All the applications were dated 30 April 2021.

### Appeals A, C, E, G, I, K, M, O and Q

- The planning appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Each planning application is described as 'one of 16 sites across the Borough for which we seek planning permission and advertisement consent to replace the current enclosed telephone kiosks with an open access Communication Hub as illustrated in the attached document JCD 4.'

### Appeals B, D, F, H, J, L, N, P and R

- The advertisement appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- Each advertisement application is described as 'the advertisement is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device.'

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#### Appeal A Ref: **APP/X5210/W/22/3290364**

**Pavement outside No. 221 Camden High Street, Primrose Hill, London, NW1 7HG**

The application 2021/2110/P, was refused by notice dated 20 December 2021.

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#### Appeal B Ref: **APP/X5210/H/22/3290365**

**Pavement outside No. 221 Camden High Street, Primrose Hill, London, NW1 7HG**

The application 2021/3135/A, was refused by notice dated 20 December 2021.

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#### Appeal C Ref: **APP/X5210/W/22/3290317**

**Pavement corner of Shaftesbury Avenue and Earlham Street, Holborn, London, WC2H 8JA**

- The application 2021/2107/P, was refused by notice dated 22 November 2021.
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#### Appeal D Ref: **APP/X5210/H/22/3290319**

**Pavement corner of Shaftesbury Avenue and Earlham Street, Holborn, London, WC2H 8JA**

- The application 2021/3140/A, was refused by notice dated 22 November 2021.
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**Appeal E Ref: APP/X5210/W/22/3290309**

**Pavement outside No. 29 Tottenham Court Road, Bloomsbury, London, W1T 7QP**

- The application 2021/2105/P, was refused by notice dated 18 November 2021.
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**Appeal F Ref: APP/X5210/H/22/3290310**

**Pavement outside No. 29 Tottenham Court Road, Bloomsbury, London, W1T 7QP**

- The application 2021/3106/A, was refused by notice dated 18 November 2021.
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**Appeal G Ref: APP/X5210/W/22/3290323**

**Pavement outside No. 191 Tottenham Court Road, Bloomsbury, London, W1T 7AA**

- The application 2021/2111/P, was refused by notice dated 18 November 2021.
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**Appeal H Ref: APP/X5210/H/22/3290325**

**Pavement outside No. 191 Tottenham Court Road, Bloomsbury, London, W1T 7AA**

- The application 2021/3108/A, was refused by notice dated 18 November 2021.
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**Appeal I Ref: APP/X5210/W/22/3290304**

**Pavement outside No. 81 Tottenham Court Road, London, W1T 4SZ**

- The application 2021/2103/P, was refused by notice dated 18 November 2021.
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**Appeal J Ref: APP/X5210/H/22/3290306**

**Pavement outside No. 81 Tottenham Court Road, London, W1T 4SZ**

- The application 2021/3104/A, was refused by notice dated 18 November 2021.
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**Appeal K Ref: APP/X5210/W/22/3290298**

**Pavement outside No. 371 Euston Road, London, NW1 3AR**

- The application 2021/2101/P, was refused by notice dated 21 December 2021.
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**Appeal L Ref: APP/X5210/H/22/3290302**

**Pavement outside No. 371 Euston Road, London, NW1 3AR**

- The application 2021/3111/A, was refused by notice dated 21 December 2021.
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**Appeal M Ref: APP/X5210/W/22/3290320**

**Pavement outside No. 141 Euston Road, King's Cross, London, WC1H 9AA**

- The application 2021/2108/P, was refused by notice dated 20 December 2021.
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**Appeal N Ref: APP/X5210/H/22/3290322**

**Pavement outside No. 141 Euston Road, King's Cross, London, WC1H 9AA**

- The application 2021/3117/A, was refused by notice dated 20 December 2021.
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**Appeal O Ref: APP/X5210/W/22/3290366**

**Pavement outside No. 106 Southampton Row, Holborn and Covent Garden, London, WC1B 5AB**

- The application 2021/2112/P, was refused by notice dated 23 December 2021.
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**Appeal P Ref: APP/X5210/H/22/3290368**

**Pavement outside No. 106 Southampton Row, Holborn and Covent Garden, London, WC1B 5AB**

- The application 2021/3138/A, was refused by notice dated 23 December 2021.

**Appeal Q Ref: APP/X5210/W/22/3290312**

**Pavement outside No. 71 High Holborn, Holborn and Covent Garden, London, WC1V 6AL**

- The application 2021/2106/P, was refused by notice dated 21 December 2021.

**Appeal R Ref: APP/X5210/H/22/3290314**

**Pavement outside No. 71 High Holborn, Holborn and Covent Garden, London, WC1V 6AL**

- The application 2021/3115/A, was refused by notice dated 21 December 2021.

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**Decisions - Appeals A and B**

1. Appeal A is allowed, and planning permission is granted to replace the current enclosed telephone kiosk with an open access Communication Hub as illustrated in the attached document JCD 4 at Pavement outside No. 221 Camden High Street, Primrose Hill, London, NW1 7HG, in accordance with the terms of the application, Ref 2021/2110/P, dated 30 April 2021, in accordance with the conditions set out in the attached schedule.
2. Appeal B is allowed, and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

**Decisions - Appeals C and D**

3. Appeal C is allowed, and planning permission is granted to replace the current enclosed telephone kiosk with an open access Communication Hub as illustrated in the attached document JCD 4 at Pavement corner of Shaftesbury Avenue and Earlham Street, Holborn, London, WC2H 8JA, in accordance with the terms of the application, Ref 2021/2107/P, dated 30 April 2021, in accordance with the conditions set out in the attached schedule.
4. Appeal D is allowed, and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

**Decisions - Appeals E, F, G, H, I and J**

5. These appeals are dismissed.

### **Decisions - Appeal K and L**

6. Appeal K is allowed, and planning permission is granted to replace the current enclosed telephone kiosk with an open access Communication Hub as illustrated in the attached document JCD 4 at Pavement outside No. 371 Euston Road, London, NW1 3AR, in accordance with the terms of the application, Ref 2021/2101/P, dated 30 April 2021, in accordance with the conditions set out in the attached schedule.
7. Appeal L is allowed, and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

### **Decisions - Appeal M, N, O and P**

8. These appeals are dismissed.

### **Decisions - Appeal Q and R**

9. Appeal Q is allowed, and planning permission is granted to replace the current enclosed telephone kiosk with an open access Communication Hub as illustrated in the attached document JCD 4 at Pavement outside No. 71 High Holborn, Holborn and Covent Garden, London, WC1V 6AL, in accordance with the terms of the application, Ref 2021/2106/P, dated 30 April 2021, in accordance with the conditions set out in the attached schedule.
10. Appeal R is allowed, and express consent is granted for an LCD portrait screen that will be used to show static illuminated content that are remotely changed via a secure ISDN line to the communication device as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

### **Preliminary Matters**

11. As set out above, the appeals relate to 9 different sites. An application for planning permission and advertisement consent was made for each site. The design of the unit is the same for each site, and the appeals are so closely related in all other respects that, to avoid duplication, I have dealt with the appeals together in one decision.
12. In respect of the advertisement appeals, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for these appeals.
13. In all decisions I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), which require the decision

maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting; Additionally, I have had regard to Section 72 of the LBCA, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

14. After the Council made its decision, the existing kiosk at 71 High Holborn<sup>1</sup> was replaced with a new kiosk that incorporates an illuminated digital panel to one side. I was able to view the recently replaced kiosk at my site visit. The appellant suggests that advertisement consent was granted for a digital panel to be fixed to the side of the existing kiosk, and that the kiosk replacement has been carried out on a like for like basis and is not material in planning terms. The appellant therefore considers the kiosk that currently stands at the site to be lawful, whilst the Council disagrees and suggests that I should consider the appeal as though the site is currently undeveloped.
15. I am not satisfied that it is appropriate for me to come to a view on this matter within these appeals. However, what is clear is that the previous kiosk existed on the site for a long period. The appellant suggests this was for 15 years. I am satisfied that I should give significant weight to this matter. Furthermore, I should give weight to the Council's recent grant of advertisement consent for a digital advert to be fixed to the side of the previous kiosk.
16. In the case of several of the other sites the Council has similarly questioned whether the existing kiosks are lawful. The evidence before me relating to this is not conclusive, and it is not appropriate for me to come to a view on this matter within these appeals. It is clear that they have all been in position for a long period of time. On this basis I am satisfied that I should assess the proposals as replacements, as it is on this basis that the applications were originally made, assessed, and consulted on.

### **Main Issues**

17. For the planning appeals only, whether the proposals would be likely to increase opportunities for crime, disorder and anti-social behaviour.
18. For all appeals,
  - a) the effect on the character and appearance of the area and its amenity, including, where applicable, the setting of listed buildings and whether the proposal would preserve or enhance the character and appearance of conservation areas, and
  - b) The effect of the proposal on the safe and efficient operation of the highway and public safety.

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<sup>1</sup> Appeals Q and R

## Reasons

### *All planning appeals*

### *Crime, disorder and anti-social behaviour*

19. At all of the sites the proposed unit would replace an existing kiosk. The existing kiosks comprise a three sided enclosure. One of the sides facing along the corresponding pavement is solid and displays a non illuminated advert to the outside face. This advert panel is broad. The elevation that faces the road is partly solid for its full height to provide a surface for the phone unit. The kiosk is enclosed by a roof. It thus provides an area where persons can loiter and be sheltered from the weather, and be relatively hidden from passers-by, with the potential to commit crime. At one of the sites local residents report that the existing kiosk was used over a long period for drug dealing.
20. In contrast the proposal would see these units replaced with much simpler flat units. Although they would still present a solid surface towards the pavement in either direction, they would be much less attractive as a location for someone to loiter or hide, as they would be without a perpendicular elevation and thus would have no internal corners. They would also lack a roof, other than a very limited canopy over the screen, which would only provide a basic level of protection against the elements. Additionally, they would be noticeably narrower than the units they would replace.
21. Specific comments before me relate to the site at No. 371 Euston Road<sup>2</sup>. Here it is suggested that the area may not be suitable for the proposal as there is little active frontage and many local businesses are shut. The area is referred to as run down, where the risk of anti-social behaviour may be higher. Indeed, at my visit I could see that nearby commercial units were not in use, graffiti was commonplace, and the existing kiosk was filled with waste cardboard.
22. In addition, at all other sites the Council suggests that anti-social behaviour would be encouraged by the design of the new units. However, from my own interrogation of the proposed design, I am satisfied that opportunity to deface or damage the units is limited and is certainly much less than those presented by the existing kiosks.
23. At No. 71 High Holborn<sup>3</sup> the Council refers to the proximity between the site and a nearby ATM. However, on the basis that the replacement unit would provide significantly less opportunity for someone to loiter or hide, I am satisfied that the installation of the proposed unit at this location would not make the area less safe.
24. Each new unit would include a camera and the appellants have advised that free calls would be limited to landlines only so that the units are much less likely to be mis-used for criminal activity. Such matters are set out in the management plan. In addition, as the new units would not provide any form of enclosure, they are unlikely to be attractive for activities such as the stacking of waste cardboard and dumping of rubbish, which was a problem that I saw at a number of the existing units at my visit.

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<sup>2</sup> Appeals K and L

<sup>3</sup> Appeals Q and R

25. In summary, the proposals would not increase opportunities for crime, disorder or anti-social behaviour. They would thus accord with Policy C5 of the Camden Local Plan 2017 (the LP), which seeks to ensure that development proposals incorporate design principles which contribute to community safety and security.

*Pavement outside No. 221 Camden High Street*

*Safe and efficient operation of the highway / public safety*

26. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand in an existing area of street furniture with a small street tree and bins to the south and a modest bench structure on the north side. The Council suggests that it would be within a pedestrian desire line, however at my visit to the site I could see that those walking along the pavement pass beside the existing kiosk in the clear area of pavement between it and the adjacent shopfronts.
27. I accept that the unit would be erected in a very busy pedestrian area. However, even if I consider the potential additional foot fall that might result from the significant planned development referred to by the Council, the proposal would not obstruct an area of pavement that is currently unobstructed, and would be more modestly sized than the existing kiosk that it would replace. It would present less of an obstruction to those with a visual impairment as a result of its narrower width, and in any case would stand in a zone with other street furniture towards the outer edge of the pavement, away from the main clear part of the footway.
28. The site is close to an existing access. However, in the context of the level of activity in the area, the addition of the digital advertisement screen would not be a significant distraction to those using this junction. Furthermore, its impact would be modestly lessened by the presence of the existing young tree that stands close to the site to the south.
29. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

30. This site is located in a vibrant and busy shopping area, alongside a row of shops with awnings and merchandise that was spread out onto the pavement at the time of my visit. The unit would be more modest than the kiosk that it would replace, and it would be of a greatly simplified design with crisp and neat detailing. In terms of its overall form the proposed unit would look better than the existing kiosk.
31. The proposal would introduce an illuminated digital advertising panel that would occupy most of one side. The unit would roughly align with a digital advert screen of a different design on the other side of the road. The visual impact of the proposed unit would however be modestly mitigated by the presence of the tree to the south. The unit would not appear isolated as it

- would stand close to other street furniture and street trees. On this basis, and in the context of the vibrant and visually noisy character of the area during the day, I am satisfied that the proposal would not be harmful. During the main part of the night when the streets are quieter and the shops are not trading a condition could be imposed to turn the advert off, which would ensure that the darker appearance of the street at night is not harmed.
32. The Council suggests that the proposal would harm the setting of the adjacent Camden Town Conservation Area (the CTCA). The closest part of the CTCA is characterised by its busy and dynamic commercial frontages. The unit would stand close to the boundary of the CTCA. However, given the intervening items of street furniture and the otherwise busy character of the designated area, I am satisfied that it would not cause harm to its setting.
33. Although not mentioned in its decision, the Council has included details of nearby listed buildings in its appeal submission. I considered the setting of these when I visited the area. All are remote from the site and are separated by various buildings and structures, as is typical of a densely developed urban setting. I am satisfied that the proposal would not harm the setting of any of the listed buildings referred to by the Council.
34. In summary, the proposal would not harm the character and appearance of the area, the setting of any listed building or the adjacent CTCA, or matters of visual amenity. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.
- Pavement corner of Shaftesbury Avenue and Earlham Street*
- Safe and efficient operation of the highway / public safety*
35. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand close to the end of a row of substantial mature street trees to the northeast and an existing slender wayfinding column to the southwest. Although the width of the footway to the northeast is limited, it would stand alongside a wide area of pavement where the two roads meet and would be alongside the end of Earlham Street which is largely pedestrianised with a paved surface and bollards to restrict vehicular access.
36. Although it was not busy at the time of my visit, the Council suggests that the area sees significant footfall and that this is likely to increase as a result of further significant planned development. Even so, the area adjacent to the site provides a wide, safe, and unrestricted area for pedestrian movement. The proposal would have no impact on this and would in any case sit between an area of pavement that is occupied by the substantial trunk of the adjacent tree and a wayfinding column and is not therefore within an area that is currently clear and unobstructed.
37. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6



and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

38. The site is within a densely developed urban area, surrounded by buildings of a substantial scale that are positioned at the pavement edge. The appearance of these are softened considerably by the row of mature street trees alongside the site, that extend to the northeast along Shaftesbury Avenue. The unit would be more modest than the kiosk that it would replace, and it would be of a greatly simplified design with crisp and neat detailing. In terms of its overall form the proposed unit would look better than the existing kiosk.
39. The proposal would introduce an illuminated digital advertising panel that would occupy most of one side of the unit. The digital panel would face towards the end of the row of mature trees, which would significantly lessen the impact of the illumination on the character, appearance and amenity of the area. Indeed, when travelling along Shaftesbury Avenue in a south-westerly direction the panel would only be visible for a short period.
40. A pair of old phone kiosks stand to the northeast, outside No. 164 Shaftesbury Avenue. Owing to the intervening street trees I am satisfied that the proposal would not result in a harmful cumulative impact.
41. The substantial Grade II listed Former Saville Theatre stands nearby to the north. The list description suggests that its significance is derived from its fine composition that incorporates architecture and sculpture with rare intelligence. It is suggested that the artificial stone frieze is one of the largest and most important works of public sculpture of its age. The proposed unit would stand some distance away from this building, and would be screened behind the mature trees, which are significant components of the street and contribute towards the densely developed urban setting of the listed building. On this basis I am satisfied that the unit would not harm the setting of the listed building and would thus not harm its special interest.
42. There would be no sightlines between the proposed unit and other listed buildings referred to by the Council, including Nos. 14 and 22 Earlam Street. These buildings are both positioned in a densely developed terrace and thus have a limited setting that would not be impacted by the proposal.
43. At my visit I was unable to locate the listed lamp post outside No. 14 Earlam Street. The Council has since confirmed that this lamp post has not been in situ for a number of years. Accordingly, I need not consider this matter further.
44. The site is within the Seven Dials Conservation Area (the SDCA). The area is characterised by the radiating plan of streets formed around a small circus, developed at the end of the 17<sup>th</sup> century. Streets near to the appeal site are tightly packed with a variety of individual buildings that make up its terraces and contribute to its overall character and appearance. Although the proposal would introduce an illuminated advert screen, it would face away from one of the main streets that make up the radiating plan, and would face towards the row of mature street trees with wide trunks. Furthermore, in the context of the scale of the adjacent buildings and the canopies of these trees the unit would

be small. I am thus satisfied that it would not harm the character and appearance of the SDCA.

45. Several nearby residents refer to the impact of the proposal arising from light spill. I note that the document Camden Planning Guidance Amenity 2021 advises that artificial lighting can have a detrimental impact on the quality of life of neighbouring residents. However, in this case, I am satisfied that this would be sufficiently mitigated by the presence of the existing trees and managed by appropriately worded conditions to control the level of illuminance and to require the advert to be switched off during the main part of the night.
46. In summary, the proposal would not harm the character and appearance of the area, the setting of any listed building or the SDCA, or matters of visual amenity. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

*Pavement outside No. 29 Tottenham Court Road*

*Safe and efficient operation of the highway / public safety*

47. In this case the proposed unit would be installed 12.5 metres away from the existing kiosk. It would stand in an area that is currently only occupied by modest slender items of street furniture that include a street lamp and bin. Although it would leave a wide adjacent area of unobstructed pavement, the area provides capacity for a significant number of people to spill out of the adjacent cinema at the end of a screening, and the Council advise that it is an area that sees significant footfall. It also provides some relief to the adjacent area of footway to the north which is much narrower.
48. There would be some benefit to pedestrian flow and public safety arising from the removal of the existing kiosk, which is grouped closely to other large items of street furniture and creates a rather clumsy route for those using the footway. However, I am not satisfied that this benefit would be sufficient to offset the harm to the safe and efficient operation of the highway, especially where it is alongside a busy road. Furthermore, the existing kiosk would not need to be removed to facilitate the proposal and there is no mechanism before me to secure its removal as the submitted legal agreement is in draft form only.
49. In summary, the proposal would harm the safe and efficient operation of the highway network and public safety. It would not accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

50. The area of the site is densely developed, surrounded by mostly modern buildings of a substantial scale. Although the removal of the existing kiosk is proposed, the replacement unit would stand in a location that is remote from other large items of street furniture and would thus serve to extend the

existing jumbled appearance of this part of the footway into an area that is currently not cluttered to the same degree.

51. The appellant suggests that the existing cluttered arrangement arises from the Council's recent grant of consent for a digital advert panel, which I was able to observe on site. Whilst this has added to the cluttered appearance of the area it does relate to the location of other large street furniture items and stands close to a mature street tree, mitigating its impact to a certain degree. In contrast, the proposed unit would stand alone, in an area of public realm that is not currently overwhelmed by large items of street furniture, and would thus appear out of place.
52. I note that the proposal would deliver benefits in the form of the provision of various free services to the public. I am however not satisfied that such matters are sufficient to outweigh the harm to the character, appearance and amenity of the area and matters of public safety.
53. In summary, the proposal would harm the character and appearance of the area and its visual amenity. It would not accord with Policies D1 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design.

*Pavement outside No. 191 Tottenham Court Road*

*Safe and efficient operation of the highway / public safety*

54. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand alongside a clear area of footway; separated from the adjacent loading bay by a traditionally styled lamp post. For these reasons I am satisfied that the proposal would not harm the safe and efficient operation of the footway even if I take into account the further significant planned development referred to by the Council.
55. The Council has referred to the proximity of the proposed unit to a busy pedestrian crossing, and the potential for road users to become distracted by the illuminated panel. The illuminated panel would stand away from the adjacent junction. It would be close to the carriageway and at a low level and thus not draw a driver's eyes away from the road.
56. The Council also refers to the potential for pedestrians to cross the road here in the location of the proposed unit, even though there is no formal pedestrian crossing here. The proposed unit would provide a visual obstruction for those road users who choose to do this, however the area is otherwise largely unobstructed, and the proposed unit is narrower than the existing kiosk and flat, so the level of obstruction would be reduced.
57. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

58. The existing kiosk stands alongside a broad urban street, to the side of a substantial Grade II\* listed department store building, built and still occupied by Heal's. The building comprises three separate but unified 20<sup>th</sup> century phases of construction, primarily expressed in a stripped classical style, with a prominent broad arcade at street level that is supported by masonry columns with a recessed glazed shopfront. It is referred to in the submissions as the best commercial front of its date in London. These characteristics, as well as various enrichments to its principal façade, contribute to its special interest.
59. It enjoys a generous setting for its urban context; facing out over a wide section of the road and towards a detached Church and a small area of open space. The appearance of this length of road is enhanced by the substantial natural form of the mature trees opposite and the traditional appearance of the lamp posts. These are elements of the building's setting that contribute towards its significance.
60. The Heal's building stands within the Bloomsbury Conservation Area (the BCA) and faces over the Charlotte Street Conservation Area (the CSCA). The characteristics I have referred to above are positive elements of both that contribute to their character and appearance.
61. The proposed unit would be more modest than the kiosk that it would replace, and it would be of a greatly simplified design with crisp and neat detailing. In terms of its overall form the proposed unit would look better than the existing kiosk.
62. The proposal would introduce an illuminated digital advertising panel that would occupy most of one side. The panel would be prominent in views along the length of the street with no other features that would mitigate its impact. It would stand in front of a fine historic building. Although this is a substantial retail building, its glazed shop front is set back behind a heavy arcade and thus its internal illumination is not a prominent component of the streetscene.
63. Although a similar illuminated panel exists on the opposite side of the road to one side of an existing bus stop, it is further from the front of the listed building, and its position underneath the broad canopy of the existing street trees mitigates its visual impact to a certain degree. In contrast, the proposed illuminated panel would stand in an isolated position. It would be visually intrusive in this sensitive historic context. It would erode the character and appearance of both conservation areas, the setting of the listed building and the amenity of the area more generally.
64. In terms of the Framework the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
65. The removal of the existing kiosk would be a benefit that would attract modest weight. The provision of free services to the public such as phone charging, free calls, internet access and a defibrillator also weigh in favour of the proposal. However, even if I take these together, in the context of Paragraph 199 of the Framework, which establishes that great weight should be given to

the conservation of a heritage asset, the public benefits before me are not sufficient to outweigh the harm identified.

66. In summary, the proposal would harm the character and appearance of the area and its general amenity. It would also harm an aspect of the listed building's setting that contributes to its significance and would fail to preserve the character and appearance of the two conservation areas. It would thus fail to accord with the requirements of the LBCA. It would also be contrary to Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

*Pavement outside No. 81 Tottenham Court Road*

*Safe and efficient operation of the highway / public safety*

67. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand alongside a wide area of level and unobstructed pavement and would be positioned further towards the pavement edge than the recently erected digital advert close by to the north. Even if I take into account the high footfall that the Council reports in the area, I am satisfied that the area of clear footway would remain sufficient for it to continue to operate in a safe manner.
68. The Council suggests that the illuminated advert could be a distraction to those using the nearby road junction. The advert would however be seen in the context of another similarly sized advert, a large elevated digital advert screen and the significant glazing of the adjacent building. Furthermore, the panel would be at street level and close to the carriageway edge, so it would not draw a driver's eye away from the road.
69. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

70. The existing kiosk stands in a broad urban street bound by modern buildings of substantial height. Footways to either side are generous and relatively free of clutter. The proposal would see the existing kiosk unit replaced, which would be a benefit, however it would introduce a prominent illuminated digital panel to one side. This would appear particularly poor as it would be just a few metres from an existing panel of a very similar design. Siting the two units so closely together would look cumbersome and ill-considered, and would appear out of place in an area where footways are broad and largely unobstructed.
71. From further south at the road junction the new digital advert would also be seen close to the large elevated digital advert board that is parallel with the street and faces towards Torrington Place. The cumulative impact of all three illuminated panels so close together, especially at times when light levels are low, would be at odds with the general character of the area, where such adverts are usually more isolated.

72. The appeal site is very close to the boundaries of the CSCA and the BCA, which both have a strong commercial character. For the reasons already given, the appearance of the illuminated advert in close proximity to two other illuminated adverts would have a harmful impact on the setting of both of these adjacent designations.
73. In terms of the Framework the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
74. The removal of the existing kiosk would be a benefit that would attract modest weight. The provision of free services to the public such as phone charging, free calls, internet access and a defibrillator also weigh in favour of the proposal. However, even if I take these together, in the context of Paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset, the public benefits before me are not sufficient to outweigh the harm identified.
75. In summary, the proposal would harm the character and appearance of the area and its general amenity. It would also harm the setting of two adjacent conservation areas. It would be contrary to Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

*Pavement outside No. 371 Euston Road*

*Safe and efficient operation of the highway / public safety*

76. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand alongside a generous area of level and unobstructed pavement. The Council suggests that this is an area of extremely high pedestrian footfall that is likely to increase as a result of further significant planned development. However, the area was not busy at the time of my visit, and I note that the adjacent commercial units have a low level of activity. Site lines along the footway are clear, and in any case the functionality of the footway would be marginally improved by the proposal as a result of the more modest form of the structure.
77. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

78. The existing kiosk stands alongside a broad busy urban street, that is dominated by a busy multi laned road and bound by substantial buildings at the edge of the footway. Those on the opposite side of the road are particularly tall. The footway was not busy at the time of my visit and buildings adjacent to the site were in a low level of use, however the area still had a very busy character owing to the level of vehicular movement along the highway.

79. The proposal would see the existing kiosk unit replaced, which would be a benefit owing to the greatly simplified design of the new unit. It would introduce a prominent illuminated digital panel to one side. This would broadly align with a similarly sized panel on the other side of the road that forms one side of a bus stop shelter.
80. The new digital advert would therefore not appear isolated. Neither would it appear incongruous or visually dominant in the context of the substantial scale of the surrounding built form, including that on the opposite side of the street which is entirely glazed and includes large shopfronts at street level that would pour light onto the adjacent public realm at the beginning and end of the day. However, it would also not result in a proliferation of such illuminated adverts as it would stand well away from the existing bus stop shelter.
81. The Council has provided details of the Fitzroy Square Conservation Area in its submissions. This is separated from the appeal site by the buildings that front Euston Road and has an entirely different character and appearance. The proposal would have no impact on the character and appearance of this heritage designation.
82. The Council has also provided details of No. 35 Conway Street and Nos 30-34 Warren Street. These listed buildings stand in streets that are close to the appeal site but are separated by intervening buildings and have an entirely different character and setting. There is no intervisibility between the site and these buildings, and nothing before me or anything that I observed on site that would lead me to conclude that the proposal would harm the significance of either heritage asset.
83. In summary, the proposal would not harm the character and appearance of the area or its amenity. It would accord with Policies D1 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area.

*Pavement outside No. 141 Euston Road*

*Safe and efficient operation of the highway / public safety*

84. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand alongside an existing area of bicycle parking and would thus not exist as an isolated piece of street furniture. In any case, it would have less impact on the functionality of the adjacent area of footway owing to its greatly reduced form when compared with the bulky and enclosed form of the existing kiosk.
85. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

86. Although the appeal site is alongside a busy highway, which generates a certain level of activity, it is otherwise visually quiet. The adjacent building has

- a significant length of inactive frontage close to the site and there are a number of traditional buildings nearby as well as numerous substantial street trees. Together these give the area a simple appearance that is not characterised by illuminated shopfronts or heavily glazed facades.
87. The appeal site is opposite the Elizabeth Garrett Anderson Hospital, which is a grade II listed building. This building has a fine Queen Anne style elevation facing Euston Road, with rich detailing and architectural embellishment that gives the building a strong and formal presence on the street. These characteristics, and its relationship with Euston Road over which it looks out, contribute to its special interest.
88. In this context, the illuminated digital panel would appear as a harsh and modern intrusion, particularly where it would be viewed by those travelling southwest by road or on foot, where it would be seen in the context of the front of the listed building. It would harm an aspect of the building's setting that contributes to its special interest.
89. The Council also refers to other heritage assets in its refusal reasons. The site is outside of the BCA. The boundary is drawn to the southwest to take in the Grade I listed Church of St Pancras and the Grade II\* listed Euston Fire Station. There is nothing before me to explain what contribution the Council considers the area of the appeal site makes to the setting of any of these heritage assets. I considered this carefully when I visited the site. Given the distance, and the scale of the proposed unit I am satisfied that the proposal would not harm the setting of any of these heritage assets.
90. A further reference is made to the Grade II listed Rocket Public House, which is further northeast along Euston Road. The richly embellished late 19<sup>th</sup> century appearance of the building is best experienced from the end of Chalton Street and its junction with Euston Road. On this basis and taking into account the distance between the appeal site and this heritage asset, and the small scale of the proposal, I also find that the proposal would not harm its setting.
91. In terms of the Framework the harm to the setting of the Elizabeth Garrett Anderson Hospital would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
92. The removal of the existing kiosk would be a benefit that would attract modest weight. The provision of free services to the public such as phone charging, free calls, internet access and a defibrillator also weigh in favour of the proposal. However, even if I take these together, in the context of Paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset, the public benefits before me are not sufficient to outweigh the harm identified.
93. In summary, the proposal would harm the character and appearance of the area and its general amenity. It would also harm an aspect of the listed building's setting that contributes to its significance. It would thus fail to accord with the requirements of the LBCA. It would also be contrary to Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals



are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

*Pavement outside No. 106 Southampton Row*

*Safe and efficient operation of the highway / public safety*

94. The proposed unit would be installed in place of the existing kiosk. It would be narrower than the kiosk and would occupy a much more modest footprint. It would stand alongside a busy row of shopfronts. Many of these display stock on the footway and some occupy part of the footway with areas to sit or for the display of adverts. In combination with these other uses the existing kiosk restricts the footway width that is available for the free flow of pedestrians. However, the proposed unit would be narrower and far less bulky than the existing kiosk, thus occupying less of the footway and improving sight lines for those walking past.
95. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1, C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

96. The appeal site is alongside a busy area of traditional shopfronts, occupied by various businesses that give the area a pleasantly active character during the day. These shopfronts sit at the ground level of substantial late 19<sup>th</sup> century brick buildings that rise up a further 4 to 6 storeys and appear to mainly serve as flats. These are decorated with various stone details that include projecting bays, cornices and pilasters that create visual interest. The scale of these buildings, their traditional appearance and rich detailing are significant contributors to the character and appearance of the BCA.
97. The appeal site is opposite No. 73 Southampton Row, which is a grade II listed building. The well ordered and carefully proportioned front façade, with its diminishing scale, its stucco ground floor finish and cast iron elements are important contributors to its special interest. The character and appearance of this part of the road, including the consistent 19<sup>th</sup> century date of many nearby buildings and the traditional shopfronts opposite give the building an authentic historic setting that contributes to its special interest.
98. Whilst the simplified design of the unit overall would be of some visual benefit, the prominent panel that would occupy one side of the unit would introduce an illuminated digital advert to the streetscene. Although the adjacent shopfronts are illuminated, and some of this would continue into the night, this arrangement is confined to the front facades of the building in a traditional manner. In contrast, the proposed digital panel would appear isolated, in a detached position away from the building facades. It would draw the eye and appear as an alien feature in an area where such modern illumination is not commonplace. It would thus harm the setting of the listed building and would also fail to preserve the character and appearance of the BCA.

99. In terms of the Framework the harm would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
100. The removal of the existing kiosk would be a benefit that would attract modest weight. The provision of free services to the public such as phone charging, free calls, internet access and a defibrillator also weigh in favour of the proposal. However, even if I take these together, in the context of Paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of a heritage asset, the public benefits before me are not sufficient to outweigh the harm identified.
101. In summary, the proposal would harm the character and appearance of the area and its general amenity. It would also harm an aspect of the listed building's setting that contributes to its significance and fail to preserve the character and appearance of the BCA. It would thus fail to accord with the requirements of the LBCA. It would also be contrary to Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

*Pavement outside No. 71 High Holborn*

*Safe and efficient operation of the highway / public safety*

102. The proposed unit would be installed in place of the existing kiosk. In the case of either the current kiosk at the site or the one that was replaced, the proposed unit would be narrower and would occupy a much more modest footprint. The proposed unit would stand in a street furniture zone between a row of bike stands and a concrete bench. All are grouped in a linear fashion close to the footway edge. Even if the existing kiosk was not present, the proposed unit would not be isolated or awkwardly positioned as the area is already obstructed by these other items.
103. The adjacent area of footway is broad and unobstructed. It extends to a generous area in front of the adjacent building, which is separated from the rest of the footway by a small number of shallow steps, but nevertheless provides useful additional width to the footway. This could be useful for those persons for whom the steps would not present an obstacle when the main area of the footway is very busy. Indeed, at my visit I saw that this area is used routinely by pedestrians, even at a time when the footway was not busy. For these reasons I am satisfied that the remaining area of footway is sufficient to ensure that public safety can be maintained, even if I take into account the impact of the further planned developments referred to by the Council.
104. The appeal site is adjacent to a bus lane and close to a junction. However, in the context of a number of modern fully glazed building facades that include illuminated street level business and shop fronts, I am satisfied that the addition of the illuminated advert would not draw the eye of a driver or present an obstacle that would harm highway safety.
105. In summary, the proposal would not harm the safe and efficient operation of the highway network or public safety. It would accord with Policies G1, A1,

C6 and T1 of the LP, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

*Character and appearance / amenity*

106. The appeal site is in a busy urban area. Adjacent buildings to either side of the street are modern, with significant areas of glazing including fully glazed ground level frontages. At the time of my visit the financial business closest to the appeal site displayed digital adverts in its front window that are close by and very similar to the proposed digital screen. The appeal site is within the BCA, in an area that primarily comprises substantial commercial buildings dating from the mid 20<sup>th</sup> century onwards. The Mid City Place building that stands alongside the site is referred to by the Council<sup>4</sup> as a building of landmark status, with its distinctive curved roof and glazed façade facing the street.
107. Into this context the introduction of the digital illuminated advert would not appear out of place. Indeed, expansive glazed facades, modern buildings and a high level of illumination are an inherent part of the character and appearance of this part of the BCA. Furthermore, the proposed unit would be very modestly scaled in the context of the Mid City Place building adjacent.
108. In summary, the proposal would not harm the character and appearance of the area, including the BCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policies D1, D2 and D4 of the LP, which together seek to ensure that development proposals are of a high quality of design and preserve the character and amenity of an area including designated heritage assets.

**Other Matters**

109. Copies of a draft legal agreement and various associated correspondence is before me. The Council is of the view that in the event that the appeals are allowed the agreement is necessary to secure the removal of the existing kiosks and for other management controls.
110. In the case of all of the proposals that I have found to be acceptable, the replacement unit would occupy the same position as the existing kiosk. Therefore, the removal of the existing kiosks at each of these sites would have to take place to implement these proposals and an agreement is not necessary for this reason.
111. In terms of other management controls, the submitted management plan refers to the way that the units would be used from a public safety perspective. This document can be included in the approved plans conditions to ensure that its commitments are followed through.
112. As for maintenance, standard condition 3, set out in Schedule 2 of the Regulations<sup>5</sup>, requires that an advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the area. This gives the Council the ability to carry

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<sup>4</sup> Bloomsbury Conservation Area Appraisal and Management Strategy Adopted draft 18 April 2011.

<sup>5</sup> Town and Country Planning (Control of Advertisements) (England) Regulations 2007

out enforcement action where the appearance of a unit causes harm. Furthermore, at my visit to the area I saw that similar digital panels are maintained in good order, and it is reasonable to expect that companies who should pay for the advertisements to be displayed on the units would expect such. For these reasons I am satisfied that it is not necessary to secure maintenance through a legal agreement.

113. The Council has questioned the need for the units in all cases, and in some cases pointed out their proximity to other existing units. Aside from the matters of character and appearance that I have already covered, I am not satisfied that the proximity of the proposed units to existing units is a matter that should cause any of the proposals to fail. Paragraph 118 of the Framework makes it clear that such proposals must be determined on planning grounds only and that the need for electronic communications systems should not be questioned. In any case, each unit would replace an existing kiosk, so the proposal would not result in an increase in provision.
114. The proposals refer to the removal of 28 kiosks over the Council's area. The Council suggests that this is intrinsic to the proposals, however it is clear that each pair of applications stand alone, with separate application forms. Therefore, whilst each proposal relates to part of a wider scheme, I am satisfied that they should be treated individually, and that in the scenario where some of the appeals are allowed and some are dismissed it would be unreasonable to secure the removal of all 28 kiosks.
115. Numerous decisions and appeal cases are referenced in the submissions. Some of these cover similar main issues and some are for similar or identical structures in similar or identical locations. It would not be practical for me to individually address all of these; however, I have considered these carefully and they have had a bearing on my decisions in some cases. Nevertheless, I have considered all of the proposals before me on their own merits, taking into account the information before me and my own observations on site.

### **Conditions**

116. I have had regard to the conditions suggested by the Council and the appellant. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed conditions specifying the approved plans as this provides certainty. This includes the management plan, to ensure that its provisions are properly upheld.
117. I have imposed planning conditions to ensure that the units are removed when they are no longer necessary, to ensure that no unnecessary street furniture is retained.
118. I have imposed planning conditions to ensure that all new or replacement surface materials match those adjacent to safeguard the character and appearance of the area.
119. With regard to the advertisement consent, the conditions set out in the attached schedules are in addition to the five standard conditions set out at Schedule 2 of the Regulations. These standard conditions are not repeated in the schedules.

120. I have imposed additional conditions to control the level of illuminance, to ensure that no music is played and to ensure the units are turned off during the main part of the night, to ensure that they do not harm the character and appearance of the area and safeguard the living conditions of those who live nearby.

121. I have imposed further conditions to ensure that the advertisements do not include flashing images, that each advertisement is displayed for a minimum time and that the change between advertisements is instant to ensure that the units do not harm the safe operation of the highway.

### **Conclusion**

122. For the reasons above, appeals A, B, C, D, K, L, Q and R should be allowed, and appeals E, F, G, H, I, J, M, N, O and P should be dismissed.

*A Tucker*

INSPECTOR

## **Schedule of Conditions – Appeal A Ref: APP/X5210/W/22/3290364**

### **Pavement outside No. 221 Camden High Street, Primrose Hill, London, NW1 7HG**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Maps and Visuals A01603, Appendix JCD 4 Hub Unit Detail and Communication Hub Unit Management Plan V1 October 2020.
- 3) The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.
- 4) All new or replacement surface materials should match the existing adjacent surface materials.

## **Schedule of Conditions - Appeal B Ref: APP/X5210/H/22/3290365**

### **Pavement outside No. 221 Camden High Street, Primrose Hill, London, NW1 7HG**

- 1) The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
- 2) The digital display shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advert shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 6) The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 7) No music or sound shall be emitted from the advertisements.
- 8) The advertisement screen shall be switched off between the hours of 23:59 and 06:00.

**Schedule of Conditions – Appeal C Ref: APP/X5210/W/22/3290317**

**Pavement corner of Shaftesbury Avenue and Earlham Street, Holborn, London, WC2H 8JA**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Maps and Visuals A01600, Appendix JCD 4 Hub Unit Detail and Communication Hub Unit Management Plan V1 October 2020.
- 3) The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.
- 4) All new or replacement surface materials should match the existing adjacent surface materials.



## **Schedule of Conditions – Appeal D Ref: APP/X5210/H/22/3290319**

### **Pavement corner of Shaftesbury Avenue and Earlham Street, Holborn, London, WC2H 8JA**

- 1) The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
- 2) The digital display shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advert shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 6) The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 7) No music or sound shall be emitted from the advertisements.
- 8) The advertisement screen shall be switched off between the hours of 23:59 and 06:00.

## **Schedule of Conditions – Appeal K Ref: APP/X5210/W/22/3290298**

### **Pavement outside No. 371 Euston Road, London, NW1 3AR**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Maps and Visuals A01595, Appendix JCD 4 Hub Unit Detail and Communication Hub Unit Management Plan V1 October 2020.
- 3) The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.
- 4) All new or replacement surface materials should match the existing adjacent surface materials.

## **Schedule of Conditions – Appeal L Ref: APP/X5210/H/22/3290302**

### **Pavement outside No. 371 Euston Road, London, NW1 3AR**

- 1) The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
- 2) The digital display shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advert shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 6) The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 7) No music or sound shall be emitted from the advertisements.
- 8) The advertisement screen shall be switched off between the hours of 23:59 and 06:00.

**Schedule of Conditions – Appeal Q Ref: APP/X5210/W/22/3290312**

**Pavement outside No. 71 High Holborn, Holborn and Covent Garden, London, WC1V 6AL**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Maps and Visuals A01599, Appendix JCD 4 Hub Unit Detail and Communication Hub Unit Management Plan V1 October 2020.
- 3) The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.
- 4) All new or replacement surface materials should match the existing adjacent surface materials.

## **Schedule of Conditions – Appeal R Ref: APP/X5210/H/22/3290314**

### **Pavement outside No. 71 High Holborn, Holborn and Covent Garden, London, WC1V 6AL**

- 1) The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
- 2) The digital display shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advert shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 6) The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 7) No music or sound shall be emitted from the advertisements.
- 8) The advertisement screen shall be switched off between the hours of 23:59 and 06:00.