

Delegated Report		Analysis sheet	Expiry Date:	31/08/2021
		N/A	Consultation Expiry Date:	08/08/2021
Officer			Application Numbers	
Tony Young			1. 2021/0199/A 2. 2021/2890/P	
Application Address			Drawing Numbers	
University College Hospital 235 Euston Road London NW1 2BU			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
<ol style="list-style-type: none"> 1. Display of digital advertising screen (designated display area measuring 12m high by 8m wide) on the north west splay corner of the Hospital building on junction between Euston Road and Tottenham Court Road (following replacement of curved section of glazed 'skin'); and 2. Installation of 5 air purifier units positioned at 1st floor level and replacement of curved section of glazed 'skin' with digital advertising screen located on the north west splay corner of the Hospital building on junction between Euston Road and Tottenham Court Road. 				
Recommendations:		<ol style="list-style-type: none"> 1. Refuse Advertisement Consent 2. Refuse Planning Permission 		
Application Types:		<ol style="list-style-type: none"> 1. Advertisement Consent 2. Full Planning Permission 		

Reason(s) for refusal:	Refer to Draft Decision Notice					
Consultations						
Adjoining occupiers and local residents / groups	No. notified	00	No. of responses	02	No. of objections	02
Summary of all consultation responses:	<p>A site notice was displayed on 13/07/2021 and expired on 06/08/2021</p> <p>In response to the proposal, the following comments/objections were received:</p> <p>Bloomsbury Conservation Area Advisory Committee <u>objects to the digital advertising screen as follows:</u></p> <ul style="list-style-type: none"> • <i>The scale of this screen is entirely inappropriate, dominating the host building and causing harm to surrounding heritage assets.</i> • <i>Illuminated advertisement screens are entirely inappropriate within or within the setting of conservation areas. We find it particularly inappropriate that the exterior of a hospital is being used for both commercial and non-commercial advertisement.</i> • <i>In our view, permitting this application would set a very strong precedent for building owners on major thoroughfares such as Euston Road, Tottenham Court Road, and Gray's Inn Road to display excessively large advertisement screens, contributing to a severe decline in the quality of the urban environment. It would also set a strong precedent for the owners of smaller buildings to display inappropriately lit advertisement screens of smaller sizes.</i> <p><u>We therefore strongly object to this application and recommend that it is refused.</u></p> <p>Transport for London (TfL) <u>initially expressed the following comments and concerns on 28/07/2021:</u></p> <p><i>The application site is located on the Strategic Road Network on A400 Tottenham Court Road west, the Transport for London Road Network (TLRN) is located north on A400 Hampstead Road and A501 Euston Road. TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may impact the road network:</i></p> <ol style="list-style-type: none"> 1. <i>TfL have no objections to the air purifier units proposed. Temporary obstructions during construction must be kept to a minimum and should not encroach on the clear space needed to provide a safe passage for pedestrians or obstruct the flow of traffic on A400 and A501.</i> 2. <i>We should clarify that whilst reference is made to TfL advice in 2012, for avoidance of doubt, TfL has not provided recent pre-application advice on the proposal submitted. You could note that through the Mayor's Transport Strategy and the London Plan (March 2021), we've taken a risk based approach known as Vision Zero. We expect the applicant to take account of the collision record of the junction as part of their assessment. There has been a high number of serious to fatal collisions along the A400 and A501 Junction where the advertising is proposed, please refer to following link: https://www.crashmap.co.uk/</i> 3. <i>TfL recommends the highway statement is updated to provide visualisation of the proposed advert in situ including night time assessment and should include a review of collision data at the junction. Given the sensitive nature of the location, TfL will ask our</i> 					

Road Safety Audit team to review the update highway assessment when provided. We should note for the visualisation that collisions also occur outside the area assessed in the highway statement within the view of the advert.

4. TfL is open to consider mitigation, which could be set out in the highway statement, we recommend the following
5. Due to the high number of serious to fatal collisions along A400 and A501, The applicant should reduce the size of proposed advert in the interest of bettering road safety.
6. The applicant should clarify and confirm the type of advertising intended for the digital screen. The mock-up should include likely advertising and information on change overs, as well as public health messages. All proposed advertising should follow TfL best practise guidance and not display directional advice or resemble existing traffic signs. This should be secured by condition.
7. The advertisement must not display flashing or moving images. This risk road safety and so conflicts with London Plan and MTS policy on Vision Zero. This should be secured by permission.
8. The maximum luminance proposed must not exceed 300cd/m² during the hours of darkness and 600cd/m² during the day. This is consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015)'. This must be secured by condition.

TfL require further information before this application is determined.

Transport for London (TfL) - following consideration of further information submitted by the applicant, including Addendums to the original Highways Statement and a direct response by the applicant to TfL's previous comments, TfL confirmed on 23/12/2021 that they do not support the proposals:

9. *The applicant has not provided us with any additional information to resolve our previously expressed highway safety concerns.*

I agree with your Council transport colleagues and TfL does not support this application.

Site Description

The application site comprises a hospital building (University College Hospital) which is divided between a 5-storey block and a 17-storey tower. The application relates to the north-west elevation or splay corner of the building facing the Euston Circus junction of Euston Road and Tottenham Court Road.

The application site is bounded by Euston Road to the north, Gower Street to the east, Grafton Way to the south and Tottenham Court Road to the west. The site lies within the Central London Area and is located on the Strategic Road Network (SRN) on A400 Tottenham Court Road west. The Transport for London Road Network (TLRN) is located north on A400 Hampstead Road and A501 Euston Road. TfL is the highway authority for the TLRN.

The site is not listed nor located within a conservation area. Fitzroy Square Conservation Area is situated immediately opposite the site to the west, while Bloomsbury Conservation Area is situated to the east. The site is located within both the Fitzrovia East Neighbourhood and Fitzrovia Action Areas.

Relevant History

2020/3545/A (Bus shelter o/s no. 235) - Display of 2 internally illuminated panels to existing bus shelter. Granted advertisement consent dated 04/11/2021

2018/1030/P & 2018/1416/A (Pavement o/s no. 235) - Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with display of 2 x internally illuminated digital advertisements. Withdrawn advertisement application dated 08/06/2021 by applicant following concerns that it would introduce unnecessary and dysfunctional illuminated street clutter and highway safety concerns

2018/1034/P & 2018/1422/A (Pavement o/s no. 235) - Erection of freestanding BT Panel providing phone and Wi-Fi facilities, with display of 2 x internally illuminated digital advertisements (opposite Warren Street Underground station). Withdrawn advertisement application dated 08/06/2021 by applicant following concerns that it would introduce unnecessary and dysfunctional illuminated street clutter and highway safety concerns

2013/6400/A - Display of digital screen to front elevation of hospital. Refused advertisement consent dated 22/10/2013 and appeal dismissed dated 31/12/2013 (APP/X5210/H/13/2208080)

Reasons for refusal: The proposed advertising screen, by virtue of its size, position, prominent location and method of illumination, would harm the character and appearance of the host building and wider street scene.

2012/4564/A - Display of digital screen and lettering to front elevation of hospital. Refused advertisement consent dated 18/10/2012 and appeal dismissed dated 11/07/2013 (APP/X5210/H/12/2189379)

Reasons for refusal: The proposed LED advertising screen, by virtue of its size, prominent street corner location, and awkward relationship to the design of the elevation of the host building, would appear unduly dominant, and therefore harmful to the character and appearance of the host building and street scene.

2011/5720/A - Display of 2x externally illuminated fascia signs, internally illuminated light fittings, digital screen and lettering to front elevation of hospital. Withdrawn advertisement application dated 02/02/2012 by applicant given highway safety and high level visibility concerns of proposed signage.

2005/1298/A - Non-illuminated signage on east and west façade at 17th floor of hospital block – Granted advertisement consent 09/06/2005

PS9604299R2 - Redevelopment by the erection of a new University College Hospital of approximately 650 beds, including wards, surgical facilities, outpatients, day care, seminar rooms, laboratories, accident department, radiology, ancillary offices, workshops, storage and associated services, and some 1,000 sqm of A1/A3 floorspace. Granted planning permission dated 19/08/1998

Other neighbouring and related sites:

2020/2878/P & 2020/3341/A (LUL Vent Shaft, Euston Road and Gower Street) - Erection of steel envelope (cladding) on steel frame fixed onto existing concrete vent shaft (Sui Generis); and display of an internally illuminated LED digital advertising board on west elevation of steel frame fixed onto existing vent shaft. Planning permission and advertisement consent refused and appeal allowed dated 05/10/2021 (APP/X5210/W/21/3269495 & 3269482)

2019/3484/A (278 Kilburn High Road) - Display of an internally illuminated LED digital hoarding sign measuring 6.5m in width by 3.5m in height, positioned on flank wall on Kilburn High Road.

Advertisement consent refused and appeal dismissed dated 10/02/2020.

Reasons for refusal: The proposed advertisement, by virtue of its size, scale, design, location, method of illumination, and orientation (facing the Grade II listed public house) would be an incongruous and bulky feature that would introduce an illuminated fixture as well as create visual clutter at high level, detrimental to the character and appearance of the host building and wider streetscene, and fail to*

preserve the settings of the Grade II listed building located opposite and the adjacent locally listed public park.*

2019/0835/A (226 Camden High Street) - Display of an internally illuminated LED digital hoarding sign measuring 2.5m in width by 4m in height, positioned on flank wall on Hawley Crescent. Application withdrawn by applicant: Concern proposed sign, by virtue of its size, scale, design, location, method of illumination and orientation, would be unduly dominant, out of character in locality and result in excessive visual clutter detrimental to host building, streetscene and nearby conservation area; and highway and pedestrian safety concerns given orientation and prominence in close proximity to traffic signal controlled junction. **EN19/0300** – Discontinuance notice served for removal of existing unauthorised existing digital sign. Notice complied with and sign removed on 24/08/2021

2018/0614/P & 2018/1351/P (o/s 250 Euston Road) - Erection of freestanding BT panel providing phone and Wi-Fi facilities with display of 2 x internally illuminated digital advertisements. Granted planning & advertisement consent subject to a section 278 legal agreement (to secure removal of group of redundant kiosks in the borough)

2010/6615/P & 2010/6613/A (Land at Euston Circus, Junction of Tottenham Court Road and Hampstead Road) - Alterations to existing guardrails in connection with the erection of two projecting advertisement units to either side of the Euston Underpass – Granted planning permission and advertisement consent dated 01/07/2011

AS9804029 (Euston Tower, Regents Place, Euston Road/Hampstead Road) - The display at fascia level of illuminated display panels, digital clock and temperature display panels. Granted advertisement consent dated 06/03/1998.

Relevant policies

National Planning Policy Framework 2021

Sections 6 (Building a strong, competitive economy), 10 (Supporting high quality communications) and 12 (Achieving well-designed places)

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development
A4 Noise and vibration
C1 Health and wellbeing
D1 Design
D2 Heritage
D4 Advertisements
G1 Delivery and location of growth
T1 Prioritising walking, cycling and public transport
CC1 Climate change mitigation
CC2 Adapting to climate change
CC4 Air quality

Camden Planning Guidance

CPG Design 2021 - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)
CPG Transport 2021 - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)
CPG Air Quality 2021 – chapters 2 (Air quality in Camden), 3 (Assessing air quality impacts) and 4 (Minimising emissions into the air)
CPG Energy efficiency and adaption 2021 – chapter 8 (Energy efficiency in buildings) and 10 (Sustainable design and construction principles)

CPG Advertisements 2018 – paragraphs 1.1 to 1.23 (General advertising guidance); and 1.34 to 1.38 (Digital advertisements)

CPG Amenity 2021 - chapters 4 (Artificial light) and 6 (Noise and vibration)

CPG Planning for health and wellbeing 2021 – chapters 1 (Planning for health and wellbeing in Camden) and 2 (How planning can influence health and wellbeing)

Camden Clean Air Action Plan 2019-2022

Guidance for Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013

Fitzroy Square Conservation Area Appraisal and Management Plan (adopted March 2010)

Fitzrovia Area Action Plan - Part 3: Vision and objectives (adopted March 2014)

Bloomsbury Conservation Area Appraisal and Management Strategy (adopted April 2011)

Assessment

1. Proposal

1.1 The proposal is part of integrated scheme to install air purifier units beneath a new digital advertising screen located on the north west splay corner elevation of the University College Hospital building (see Image 1 below). The proposed digital screen would replace an existing curved section of glazed facing material or outer 'skin' which is fitted to the front of the main building structure or façade on this corner. Advertising revenues from the new digital screen are intended to fund the acquisition, operation and maintenance of the proposed air purifier units with both elements of the applications therefore being contingent on each other.



Image 1 - North west facing splay corner elevation of the application site

1.2 Advertisement consent is therefore sought for the display of a digital advertising screen which would replace the existing glazed outer 'skin' on the north west splay corner elevation of the building, facing the Euston Circus junction of Euston Road, Tottenham Court Road and Hampstead Road.

1.3 Planning permission is also sought for the installation of 5 air purifier units located at 1st floor level on this splay corner elevation of the building.

Revisions

1.4 Original proposals included the installation of ENS Aufero air purifier units. During the course of the application, the applicant amended the application to include smaller ENS Halfero units (see Paragraph 4.8 below).

2. Assessment

Background information

2.1 Advertisement consent was refused in 2012 (ref. 2012/4564/A) for a digital screen of approximately similar size and in the same location. A subsequent appeal against this decision was dismissed in 2013 (APP/X5210/H/12/2189379) - see 'Relevant History' section above for details and Appendices A and B for refusal notice and appeal decision.

2.2 Advertisement consent was refused in 2013 (ref. 2013/6400/A) for a digital screen of approximately similar size and in the same location. A subsequent appeal against this decision was dismissed in 2013 (APP/X5210/H/13/2208080) - see 'Relevant History' section above for details and Appendices C and D for refusal notice and appeal decision.

Pre-Application Advice

2.3 Pre-application advice was issued to the applicant (GEM Display Media Ltd) dated 01/04/2020 (ref. 2020/0392/PRE) in regard to similar proposals to install an air filtration system and display a digital advertising sign (see Appendix E). The planning officer concluded that an advertisement could not be supported in principle in this location given the proposed siting, scale and method of illumination, and that while a data gathering air filtration system was considered to be a benefit of the scheme, this did not outweigh the harm caused by the proposed digital advertising screen.

2.4 The current application differs from the proposals considered during the pre-application assessment in so far as the proposed air purifier units being considered in this report would be smaller and a different model with a designated display area reduced in width (from an area measuring 12m high x 13.5m wide to 12m high x 8m wide). A highway safety report and noise assessment have also been included in the application submission.

2.5 The current planning application proposals are the subject of this report and have been considered on their own merits in the following assessment.

Principle considerations

2.6 The principle considerations in the assessment and determination of the advertisement consent application are:

- the impact of the proposal on visual amenity (including neighbouring amenity in so far as the Control of Advertisement Regulations 2007 allow); and
- the impact of the proposal on highway, pedestrian and cyclist's safety.

2.7 The principle considerations in the assessment and determination of the planning application are:

- the design and impact of the proposal on the character and appearance of the building, wider streetscene, the adjacent Fitzroy Square and Bloomsbury Conservation Areas, and Fitzrovia East Neighbourhood Area;
- the impact of the proposal on public highway and transport, noise pollution and amenity, air quality and sustainability.

3. Advertisement consent application

- 3.1 Advertisement consent is sought for the display of a digital advertising screen which would replace the existing glazed outer 'skin' on the north west splay corner elevation of the building, facing the Euston Circus junction of Euston Road, Tottenham Court Road and Hampstead Road.
- 3.2 The proposed transparent LED screen would measure 13.84m high x 15.35m wide with a designated display area measuring 12m high x 8m wide (see Images 2 and 3 below).



Image 2 – showing digital screen with indicative display area

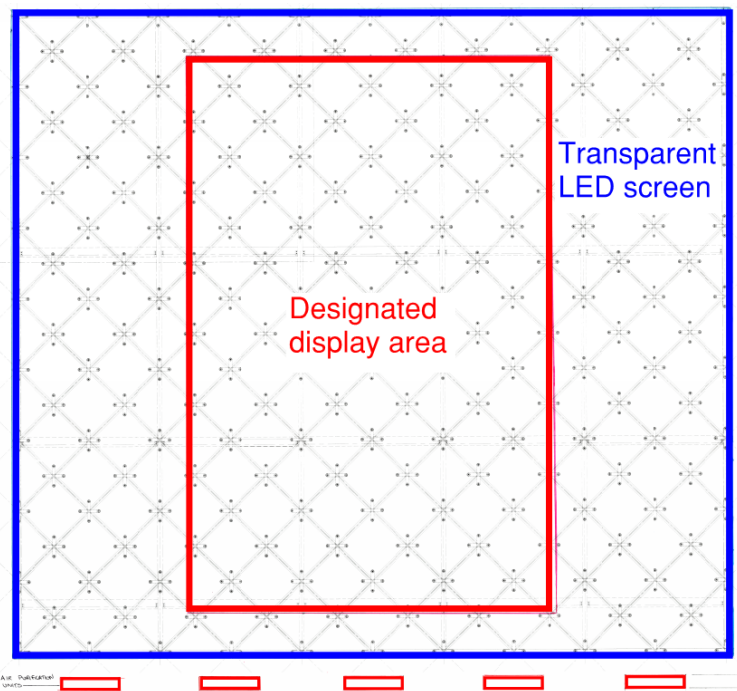


Image 3 – showing proposed digital screen with designated display area (drawing extract)

- 3.3 The applicant states that the transparent LED display technology differs from solid LED displays in so far as it permits 70% transparency and allows some natural light to pass through into internal

areas of building. A minimum display time of 10 seconds would apply. The intervals between successive displays would be instantaneous (with no special visual effects, no fading, swiping or other animated transition methods). The proposal would closely match the appearance of the existing glazed outer 'skin' and the materials used would match the RAL colour of the existing structure.

- 3.4 The active or designated display area would show multiple static messages on rotation, comprising University College London Hospital public health and Camden Council messaging, as well as, commercial advertisements. The screen would be permanently active, displaying advertisements 24/7.
- 3.5 Under direct sunlight the display would have a luminance level between 2500-3500 Nits/sqm (or candelas cd/sqm). During the hours of darkness, the luminance level would drop to 10% of the daytime levels (between 200-350 Nits/sqm). A dimmer control and photo cell would monitor ambient light conditions and adjust illumination levels.
- 3.6 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.
- Amenity: Visual impact and impact on residential amenity
- 3.7 Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) states in Paragraph 136 that '*The quality and character of places can suffer when advertisements are poorly sited and designed*'.
- 3.8 Local Plan Policy D4 (Advertisements) confirms that the "*Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in the area.*" (Paragraph 7.82).
- 3.9 Camden Planning Guidance (CPG) Design advises that good quality advertisements should respect the architectural features of the host building and the character and appearance of the surrounding area. CPG Amenity advises that artificial lighting can cause light spillage and glare, as well as, be damaging to the environment through having a detrimental impact on the quality of life of neighbouring residents and by changing the character of a locality.
- 3.10 While it is recognised that the building is not listed nor located in a conservation area, the proposed digital advertisement screen would be situated on a particularly prominent north-west corner location on the UCH building. The position and wide Euston Circus junction affords clear and open views of this splay corner, and as such, the proposed screen would be highly and widely visible, especially when looking south from Hampstead Road, east when approaching from the west in Euston Road and views north west on the immediate approach to the Euston Circus junction from within Tottenham Court Road.

3.11 The prominence of the proposed screen would be further emphasised by the fact that it would be positioned above fascia level (approximately 4.8m above street level) with the top of the screen rising to approximately 19m in height above street level. This is contrary to Paragraph 1.9 of CPG Advertisements which states that '*advertisements will only be acceptable at fascia level or below. Advertisements above fascia level can appear visually obtrusive and unattractive and, where illuminated, they can cause light pollution to neighbouring residential properties. If an advertisement is required at high level for a specific business use then this will usually be restricted to non-illuminated images on windows.*'

3.12 Furthermore, given that the proposed display area for the screen would measure approximately 96 sqm, the proposal would introduce a significant amount of high level illumination within the locality, resulting in a dominant and harmful addition to the area. In this regard, CPG Advertisements recognises in Paragraph 1.38 that digital advertisements are '*by design visual prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas.*' Factors which make a location less suitable for digital billboards

include locations *'where the advertisement could become the most prominent feature of the street scene.'*

- 3.13 In this context, and given the large size, position above fascia level and illumination of the sign, the proposal would be highly visible in both local and longer views, appearing incongruous and unduly dominant, as well as, being out of character with the locality which is generally absent of large illuminated signage of any kind, save for digital signage located above the Euston Underpass. Smaller digital or illuminated advertising signs are noted as being more appropriately displayed at fascia or street level.
- 3.14 Importantly, it is noted that the display area of the proposed screen (approximately 96 sqm) would be considerably larger in size than the digital screens refused and dismissed on appeal in 2012 and 2013 (see the 'Relevant History' section above for details and Appendices A-D). These applications had designated display areas of 72 sqm and 30 sqm respectively. Given the similar site location, position above fascia level and larger size of the current proposal relative to the 2 previously refused applications, as well as, the relatively unchanged character of the locality since 2013, it is considered that impact of the proposed digital screen would be equally unacceptable for similar reasons.
- 3.15 The Planning Inspector noted in his appeal decision (APP/X5210/H/12/2189379 – Appendix B) in regard to the 2012 application that *'the area is dominated by large scale buildings and roads, has extensive street lighting and is essentially commercial in character. There is also a great deal of advertising, including media screens. However, this is concentrated at street level. I saw during my site visit that, for such a central, urban area, the upper levels of buildings are remarkably free of advertising. This helps to give the area a clean, high quality appearance.'* And went on to say that *'given the current lack of advertising clutter at upper levels in this locality, it would appear incongruous and excessively prominent and would dominate this important corner of the building. As a result it would have a marked, harmful effect on the character and appearance of the area.'*
- 3.16 The Planning Inspector noted in his appeal decision (APP/X5210/H/13/2208080 – Appendix D) in regard to the 2013 application that the proposal *'would result in additional attention being drawn away from the street scene towards the building. This would lead to the screen appearing unduly dominant within the context of its surroundings.'* And further, the Inspector considered that the proposal would *'serve to alienate the pedestrian by drawing attention away from street level. As such, the proposal would result in a visual marker that would jar with overall character of the area, resulting in a negative visual impact.'*
- 3.17 Furthermore, it is also noted in 4 appeals dismissed in 2018 for illuminated digital advertisement displays on freestanding structures in the London Borough of Hammersmith & Fulham (see Appendix F: APP/H5390/Z/17/3192478 - Appeal B; APP/H5390/Z/17/3192472 – Appeal B; APP/H5390/Z/17/3192470 - Appeal B; and APP/H5390/Z/17/3188471 - Appeal B) that the Planning Inspector commented that the display of a sequential series of static digital images would be conspicuous and eye-catching and would not integrate successfully into the street scene, and as such, would have a harmful effect upon amenity.
- 3.18 In summary, and taking into account the Inspectors comments on previously refused proposals, the proposed sign would, due to its location, size and elevated position above fascia level (rising up to nearly 19m above street level), appear particularly prominent in this context and stand out as a strident and intrusive example of unnecessary visual clutter. As such, the proposed screen would appear as an incongruous and unduly dominant addition, which would have a harmful effect on the visual amenity of the host building, street scene and wider Fitzrovia East Neighbourhood Area, as well as, be harmful to the character and setting of the Fitzroy Square Conservation Area located directly opposite the application site. The proposal would therefore fail to adhere to Section 12 of the NPPF, and Local Plan Policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017 and Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan 2014.

- 3.19 Consideration has been given when coming to this view to the use of the applicant's patented transparent LED display technology and the merits associated with it as expressed in the supporting information, including the proposed display conditions and protocols. While it is accepted that all advertisements are intended to attract attention and that certain aspects of the display can be controlled by condition (such as, luminance levels, transition, sequencing, etc.), the addition of an illuminated digital advertisement in this location, even considering the use of transparent LED display technology as described, is not considered to mitigate against the significantly adverse impact of such a screen which would be particularly conspicuous and eye-catching, especially given that it is proposed to be active throughout a 24 hour period, 7 days a week.
- 3.20 Consideration has also been given to the potential contribution of the screen to the community in the form of health-based and public messaging. However, any possible public benefit that would arise is not considered to outweigh the significantly harmful visual impact of the proposal on the street scene and surrounding area.
- 3.21 Notwithstanding the above, should the application be recommended for approval, appropriate conditions would need to be attached to any consent to control the size of the display area, brightness, frequency of the displays, to prevent any moving images, etc.

Public Safety

- 3.22 Local Plan Policy A1 (Managing the impact of development) states that the Council will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. Paragraph 6.10 states that the Council will expect works affecting the highway network to consider highway safety, with a focus on vulnerable road users, including the provision of adequate sightlines for vehicles, and that development should address the needs of vulnerable or disabled users.
- 3.23 Local Plan Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.
- 3.24 Appendix A of the 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (commissioned by Transport for London in March 2013) advises that digital advertisement panels will not normally be permitted if proposed to be installed within 20m of a pedestrian crossing, either on the approach or the exit.
- 3.25 The application site is within 20m of pedestrian crossings on both Euston Road and Tottenham Court Road. The proposal therefore raises public safety concerns given its proximity to pedestrian crossings and traffic controlled signals at the road junction at Euston Circus. This would particularly be the case in this locality given the large size and illumination of the proposed digital screen in combination with the wide, open nature of this complex and busy road junction which affords readily available views towards the screen from most directions.
- 3.26 The screen would appear especially prominent in this context and would pose a distraction for both pedestrians and drivers approaching the crossings at the junction, most notably for southbound road traffic approaching the junction from Hampstead Road, eastbound traffic approaching from Euston Road and northbound traffic approaching from Tottenham Court Road. While it is accepted that all advertisements are intended to attract attention, illuminated advertisements are more likely to distract pedestrians and road users at junctions, roundabouts and pedestrian crossings,

particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.

3.27 Additionally, it is also noted in Section 4.3 of TfL's 'Guidance for Digital Roadside Advertising and Proposed Best Practice' that *'drivers should only see the details of a roadside digital advertisement of one screen, or a pair of synchronised screens, at a time. This is to ensure that multiple images do not change at different times, which can add to driver distraction.'*

3.28 There is already a large westwards facing LED screen in situ at the nearby Euston Underpass which passes underneath the Euston Circus, with traffic moving in both east and west directions. Eastbound drivers approaching from the west along Euston Road would be able to clearly view both the existing screen and the proposed digital screen at various points when either using the Euston Underpass and more particularly on the street level approach to Euston Circus (see Image 4 below).

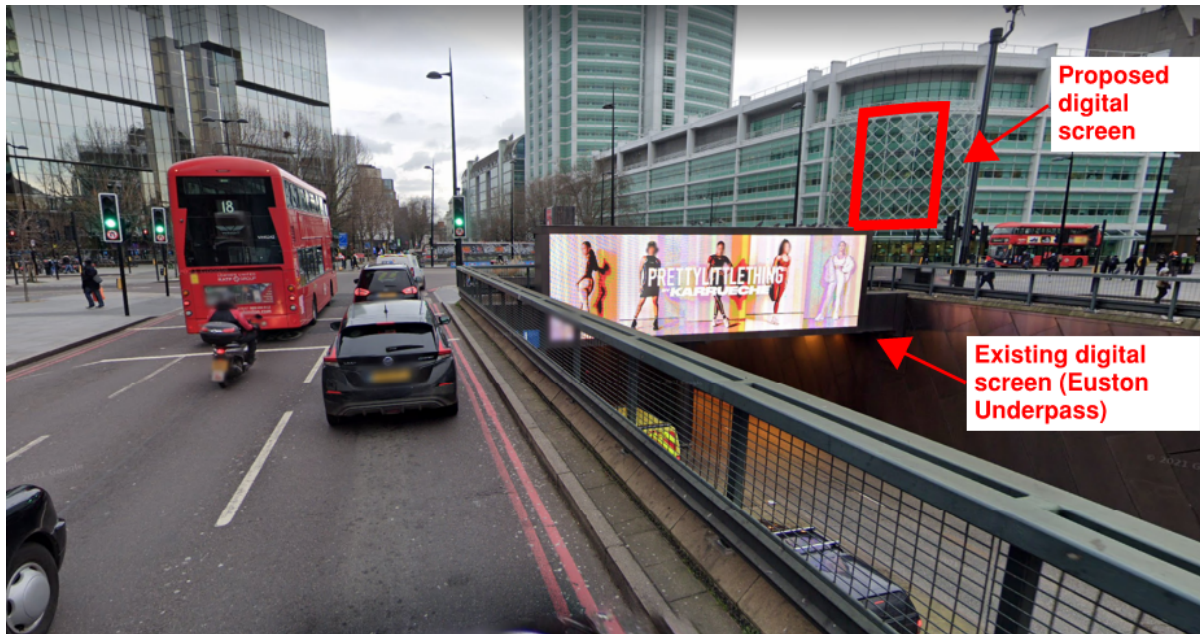


Image 4 – view of both digital screens for eastbound drivers from Euston Road

3.29 Given that both signs are under different ownership and would not be synchronised, it would be possible and likely that multiple images would change at different times. The uncoordinated transition of images for both signs, in combination, would have an adverse cumulative impact on vehicular traffic by adding to driver distraction for road users approaching the Euston Circus junction and signal controlled pedestrian crossing, so raising highway and public safety concerns. This would be contrary to Transport for London (TfL) guidance as referred to above.

3.30 Following Council concerns in this regard, the applicant provided further information in the form of an addendum to the highway statement in order to try and address the public safety concerns raised. Consideration has been given to this additional information by both the Council's Highways Team and TfL, as well as, to any suggested conditions and protocols associated with the use of the proposed sign. However, after consideration of this additional information, both have confirmed that their concerns still remain and that they do not support the proposals for the reasons as outlined above.

3.31 Overall, therefore, the proposal raises public safety concerns given the proximity of the proposed screen to busy pedestrian crossings and traffic signal controlled junctions and through the resultant distraction for both pedestrians and drivers approaching the crossings at the Euston junction, most notably in relation to southbound road traffic approaching the junction from Hampstead Road, eastbound traffic approaching from Euston Road and northbound traffic approaching from Tottenham Court Road. The proposal also raises public safety concern in particular for eastbound road users approaching from the west along Euston Road, due to the combined effect of

unsynchronised image transition of both the existing and proposed digital advertising signs operating in close proximity to each other.

3.32 As such, the proposal is contrary to the above TfL guidance and Local Plan Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport), and related planning guidance.

Other LED screens within the locality

3.33 The applicant points out in the supporting cover letter that digital advertising has become more commonplace since the two previous applications were refused at the site and dismissed on appeal, and refers generally to examples of digital bus shelter and street furniture advertisements at street level, as well as, larger digital billboard advertisements in close proximity to the UCH site in support of the current proposal.

3.34 As stated previously, the area is characterised by a general absence of digital or illuminated signage. The few examples where digital or illuminated advertising signs exist in the locality are noted as being significantly smaller than the proposed screen and more appropriately displayed at fascia or street level. A digital advertising board was most recently allowed on appeal in 2021 on the west elevation of an existing London Underground vent shaft in Euston Road (2020/3341/A). This is also noted as being significantly smaller than the proposed sign and positioned at a much lower level so as to appear relatively subordinate to other built form in the locality.

3.35 The two exceptions are large LED screens located above the nearby Euston Underpass which runs below the Euston Circus junction and which were approved in 2011 (2010/6613/A and 2010/6615/P). However, these are noted as being smaller in size than the current proposal, project only 2.7m in height above street level and are located above a vehicle-only part of the road. Therefore, along with conditions restricting the operation of the signs, the mitigating factors set out above meant that the LED screens were considered to be acceptable at the time.

3.36 The current application must be considered under current policies and guidance, as well as, any relevant planning history. This includes the presence of the existing Euston Underpass signage and the cumulative visual impact that an additional large sign in the locality might have. The 2011 approval is also noted as having been taken into consideration by both the case officer and Planning Inspector when refusing and dismissing respectively the appeals in 2012 and 2013 given that the Euston Underpass sign was already approved and in situ. It should also be noted that the Council continues to undertake a Borough-wide enforcement initiative to take action against unauthorised hoardings in order to prevent excessively large advertisements being displayed in unsuitable locations.

3.37 In summary, the proposed advertisement, by virtue of its size, siting, prominent location on the building and method of illumination, would add prominent visual clutter and appear as an incongruous and unduly dominant addition, which would have a harmful effect on the visual amenity of the host building, street scene, wider Fitzrovia East Neighbourhood Area and the Fitzroy Square Conservation Area located directly opposite the application site. It would also cause harm to highway and public safety in combination with existing digital advertising signage located on the western side of the Euston Underpass, and introduce a distraction to traffic and pedestrians given its proximity to signalled controlled pedestrian crossings.

4. Planning application

Design and heritage

4.1 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.

4.2 Local Plan Policy D2 (Heritage) states that the Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area. The conservation area appraisal and management strategies associated with the adjacent Fitzroy Square and Bloomsbury Conservation Areas support Policy D2 when stating that their designation as a conservation areas, *'provides the basis for policies designed to preserve or enhance the special interest of such an area'* and that *'High quality design and high quality execution will be required of all new development at all scales.'*

4.3 In this regard, both Policies D1 and D2 are also supported by Camden Planning Guidance (CPG) Design, particularly within chapters 2 (Design excellence) and 3 (Heritage).

4.4 The Fitzrovia Area Action Plan (Part 3: Vision and objectives) promotes the creation of high quality physical environments in this locality through protecting and enhancing the valued character of Fitzrovia, as well as, by promoting high quality design that responds to its surroundings and local character. As an adopted Area Action Plan, the aims and objectives of Fitzrovia Area Action Plan are closely associated with the Camden Local Plan and have equal weight to Local Plan policies.

4.5 Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) recognises the importance of design in managing and improving spaces, including the quality of place. The design of all built form must be sustainable, functional, visually attractive, safe, inclusive and accessible, encourage innovation, be sympathetic to local character, and promote health and well-being.

4.6 Local Plan Policies D1 and D2 are supported by Camden Planning Guidance (CPG) Design. In particular, CPG Design in Chapter 9 (Building services equipment) recognises that design considerations should include the visual impact of building services equipment on the host building, streetscape and wider area, and in particular to consider:

- use of screening or other techniques to minimise the impacts of plant, machinery and ducting must, in themselves, not cause visual blight;
- plant and machinery on roofs should not be visible from the street, public vantage points or from immediately adjacent buildings;
- the design and materials used for plant, machinery and ducting, as well as for ancillary structures such as screening, where located on the exterior of the building, must be consistent with those of the building; and
- plant and machinery should be designed in such a way that does not lead to issues of health, safety and security.

4.7 The application proposes to install 5 air purifier units at 1st floor level on the north west splay corner elevation of the building, facing the Euston Circus junction of Euston Road, Tottenham Court Road and Hampstead Road. The proposal is intended to provide benefit in public health terms by reducing air pollution through the installation of air cleaning technology stated as capable of eliminating up to 75% of some harmful airborne particles from the air (in a single cycle) within at least a 50m radius of the site. The proposal would also include air monitoring technology capable of gathering data on air quality.

4.8 Original proposals included the installation of ENS Aufero air purifier units; however, these were replaced during the course of the application with smaller ENS Halfero units which the applicant states are the latest iteration of ENS's air purification system and which are in the final stages of testing. As a consequence, full details were not available or submitted beyond some basic technical details, including the dimensions, and a product data sheet for the ENS Aufero units which the applicant considers to use the same technology. The application proposals have therefore been assessed on the basis of the limited information available.

4.9 Each ENS Halfero unit would measure 1300mm wide x 1000mm deep x 300mm high. The units would be located approximately 4.8m above ground floor level, positioned between an existing entrance canopy and the proposed digital advertising screen (see Images 5 and 6 below).

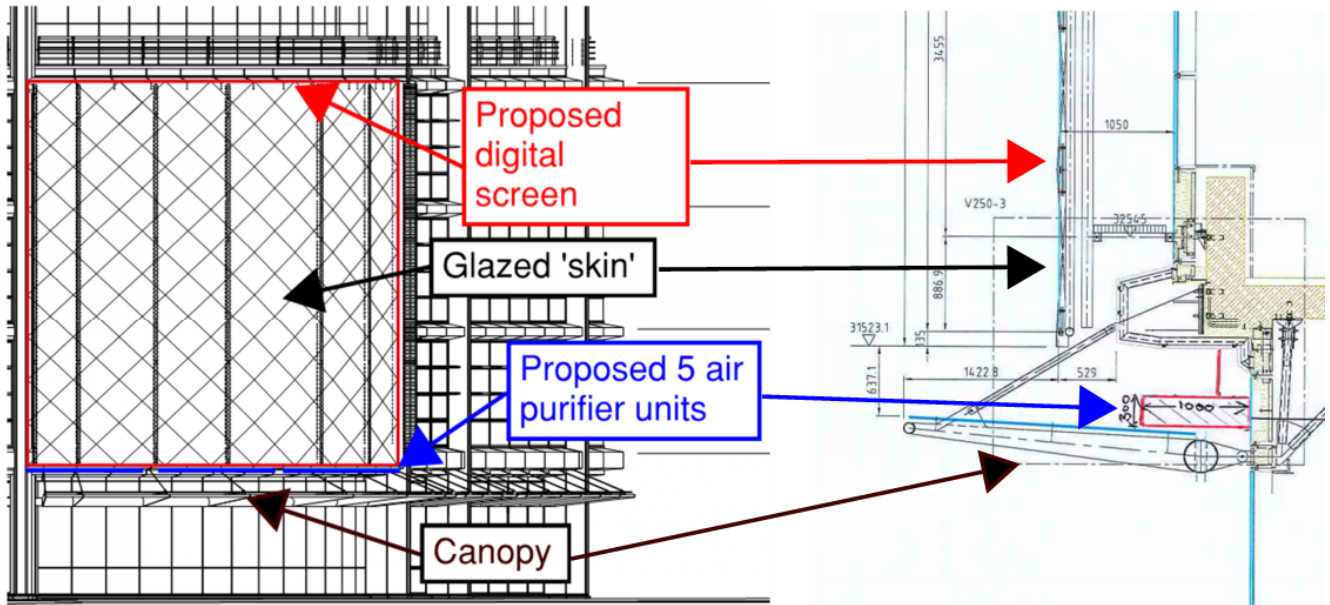


Image 5 – North elevation

Image 6 – Section through entrance canopy

4.10 Though the proposed plant would be sited at the front of the building, it would be located in a set-back position above the entrance canopy and behind a proposed digital screen which taken together are considered to afford an adequate degree of screening such that the proposed units would not be visible from the street or within the public realm. There would therefore be no noticeable change in appearance on this corner splay elevation, and as such, the proposal would preserve the character and appearance of the host building, wider street scene, Fitzrovia East Neighbourhood and Fitzrovia Action Areas, and adjacent Fitzroy Square Conservation Area located on the opposite side of Tottenham Court Road. The Bloomsbury Conservation Area located to the east of the site would be unaffected by the proposals given its boundary location on the eastern side of the application site.

4.11 The proposal would therefore adhere to Local Plan Policies D1 (Design) and D2 (Heritage), CPG Design, Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan, as well, as the core design principles as set out in Section 12 of the NPPF in design and heritage terms.

4.12 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation areas, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

Noise and amenity

4.13 Local Plan Policy A1 (Managing the impact of development) and Camden Planning Guidance (Amenity) seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents in terms of noise and vibration levels. This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered.

4.14 Local Plan Policy A4 (Noise and vibration) confirms that planning permission will only be granted for noise generating development, including any plant and machinery, if it can be operated without causing harm to noise sensitive locations, includes housing, schools and hospitals.

4.15 The application is accompanied by a Noise Impact Assessment from Parker Jones Acoustics dated 27/05/2021 which has been reviewed by the Council's Environmental Health Team. The nearest 'noise-sensitive' windows have been identified at 1st floor level of the hospital building itself. The plant noise levels have been predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections, and where applicable, screening provided by the building. As such, the proposal would comply with Camden's noise standards, such that the amenities of the nearest noise sensitive locations and area generally would be safeguarded. Any approval would include a number of conditions to ensure that amenities would be safeguarded as described in the Assessment.

4.16 Overall therefore, the proposal is not considered to have any adverse impact on the amenity of the nearest noise sensitive locations in terms of noise levels and vibration, nor in terms of any adverse effects on other amenities, such as, privacy, outlook, etc. As such, the proposal accords with Camden Local Plan Policies A1 (Managing the impact of development) and A4 (Noise and vibration), and related Camden Planning Guidance in amenity terms.

Air Quality and sustainability

4.17 The whole of Camden is an Air Quality Management Area (AQMA) as it does not meet national air quality objectives for nitrogen dioxide (NO₂) and because it is widely accepted that there is no safe level for particulates (PM₁₀ and smaller). Air quality is particularly severe along major roads throughout the borough which are characterised by high levels of traffic. Major roads are those either in the Transport for London Road Network or designated as a Major Road by Camden as at the application site. It should also be noted that Camden has declared a climate emergency and considers the reduction in carbon emissions and other significant emission sources and pollutants to be critical.

4.18 Local Plan Policy C1 (Health and wellbeing), supported by CPG (Planning for health and wellbeing), recognises that development can have a significant effect upon the amenity, health and wellbeing of those who live, work and visit the borough, and as such, the Council will only grant permission for development that does not cause harm to amenity or/and would cause harm to air quality.

4.19 Local Plan Policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) state that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. This is supported by CPG (Energy efficiency and adaption) which requires all developments to demonstrate how sustainable design principles have been considered and incorporated.

4.20 More specifically in regard to air quality, Local Plan Policy CC4 (Air quality) and CPG Air Quality recognise that air pollution is associated with a number of adverse health impacts that affects all members of society. It therefore aims to improve local air quality by mitigating the impact of development on air quality and reducing exposure to poor air quality.

4.21 Camden's Clean Air Action Plan 2019/2022 outlines measures to reduce emissions from the key sources of air pollution in the borough.

4.22 The proposal has been assessed by a Council Air Quality Officer with the Clean Air Action Plan and above policies in mind. While improvements in air quality are very important within Camden and London generally, it is considered that the supporting information does not provide any actual data, independent or peer-reviewed study/certification or convincing evidence to suggest that the 5 proposed air purifiers would deliver any measurable or significant impact upon air quality or public health in the vicinity of the installation. For example, the Eindhoven street canyon example (in the Air Purification Details document) does not provide any detail about the number of purifiers installed

in the case study, how the modelled PM10 concentrations were calculated, current weather conditions, etc.

4.23 It is also noted that the proposed units were changed during the course of the application to a new model (the ENS Halfero unit) which the applicant confirmed as being the latest iteration of ENS's air purification system and undergoing the final stages of testing. As a consequence, full details were confidential at the time and not available or submitted beyond some basic technical details. This is at odds with the applicant's assertion in their cover letter that the proposed new unit would provide 'proven' air cleaning technology. While the commercially sensitive nature of any new product is understandable, and the Council has been happy to keep the basic details provided confidential at the applicant's request, no evidence has been provided for the Halfero model or unit which indicates any demonstrable benefit from the proposed technology.

4.24 Furthermore, there is also concern about the energy consumption of the purifier units which would presumably operate 24 hours a day in order to provide any intended benefit. No information has been provided in regard to the performance or efficiency of the units, nor how much electricity would be required to work the units compared with any potential air quality or other benefit that might arise from the proposal. In addition, there is concern about the lack of detail in relation to how the units would be maintained to ensure that they continue to operate efficiently and sustainably, particularly given the likely difficulties accessing the units on a regular basis given their position. If planning permission were to be granted, a maintenance plan would need to be agreed and secured by condition.

4.25 It is therefore not clear from the supporting information provided that the proposed alterations would constitute a sustainable development that would achieve the intended aims in accordance with Local Plan Policies CC1 and CC2 which require that all development should be resilient to climate change and adopt and demonstrate appropriate sustainable development principles and climate change adaptation measures in any proposed design, implementation and ongoing maintenance programme.

4.26 It is also noted that the installation of air purifier units are considered by the applicant to be an integrated component of an overall scheme which involves the display of advertisements on a digital screen. In fact, advertising revenues from the screen are intended to fund the acquisition, operation and maintenance of the proposed units and both elements are therefore contingent on each other. As a consequence, it would appear that the proposed location of the air purifier units at the application site is driven primarily by the desire to display advertisements at the site rather than based on any clear justification for the site's suitability. For instance, no site specific information has been provided which identifies the site as the optimal location for the proposed units, nor any evidence of comparison with other potentially more suitable sites where the public benefit from improved air quality might be greater.

4.27 Therefore, while the intention behind this part of the proposals is welcomed by the Council and supported in principle, it is considered that insufficient evidence has been provided in the submission to indicate any significant and measurable improvement in air quality in the locality, or to demonstrate that the proposal itself would constitute sustainable development. As such, the proposal is contrary to Camden Local Plan Policies CC1 (Climate change mitigation), CC2 (Adapting to climate change) and CC4 (Air quality), and related Camden Planning Guidance.

5. Conclusion

5.1 Given the above assessment, and following a recent discussion between the Council and the applicant, the applicant has suggested that it may be possible to provide additional evidence and information in the future which might overcome the concerns raised in regard to the planning application proposals. The Council would be happy to consider a planning application on that basis.

5.2 However, bearing in mind the integrated and combined nature of both current planning and advertisement consent applications as a whole, it is emphasised to the applicant that even if the

current planning application proposal could be supported by the Council, it would unlikely outweigh the strong and significant concerns raised in regard to the advertisement consent application in terms of the resultant harm to visual amenity and public safety (as stated in Section 3 above).

6. Recommendation

Refuse advertisement consent

6.1 The proposed advertisement, by virtue of its size, siting, prominent location on the building and method of illumination, would add prominent visual clutter and appear as an incongruous and unduly dominant addition, which would have a harmful effect on the visual amenity of the host building, street scene, the wider Fitzrovia East Neighbourhood Area and the Fitzroy Square Conservation Area located opposite, contrary to Policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017 and Part 3 (Vision and objectives) of the Fitzrovia Area Action Plan 2014.

6.2 The proposed advertisement, by virtue of its size, siting, prominent location on the building and method of illumination, would in combination with existing digital advertising signage located on the western side of the Euston Underpass, and its proximity to signalled controlled pedestrian crossings, introduce a distraction to traffic and pedestrians, causing harm to highway and public safety, contrary to Transport for London guidance, and Policies A1 (Managing the Impact of Development), D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.

Refuse planning permission

6.3 In the absence of sufficient supporting information for the proposed air purifier units, the proposal fails to demonstrate any significant and measurable improvement in air quality in the locality, and would not constitute sustainable development, contrary to Policies CC1 (Climate change mitigation), CC2 (Adapting to climate change) and CC4 (Air quality) of the London Borough of Camden Local Plan 2017.

List of Appendices

Appendix A: Decision notice (2012/4564/A) - refused advertisement consent 18/10/2012

Appendix B: Appeal decision (APP/X5210/H/12/2189379) – dismissed 11/07/2013

Appendix C: Decision notice (2013/6400/A) - refused advertisement consent 22/10/2013

Appendix D: Appeal decision (APP/X5210/H/13/2208080) – dismissed 31/12/2013

Appendix E: Pre-application advice (2020/0392/PRE)

Appendix F: Appeal decisions (x4) – all dismissed 22/05/2018

Guy Greenfield Architects
1st floor
3-5 Bleeding Heart Yard
London
EC1N 8SJApplication Ref: **2012/4564/A**
Please ask for: **John Nicholls**
Telephone: 020 7974 **2843**

18 October 2012

Dear Sir/Madam

DECISIONTown and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) (England) Regulations 2007**Advertisement Consent Refused**Address:
University College Hospital
235 Euston Road
London
NW1 2BU

Proposal:

Display of digital screen and lettering to front elevation of hospital.

Drawing Nos: Drawing No(s) 1169_00_01_PL, 1169_01_01_PL, 1169_21_01_PL rev A,
1169_30_01_PL rev A, 1169_30_02_PL, 1169_30_03_PL, 1169_30_04_PL,
1169_31_01_PL rev A, 1169_31_02_PL, 1169_31_03_PL, 1169_31_04_PL,
1169_51_05_PL, Highway Statement, letter dated 17/10/2012The Council has considered your application and decided to **refuse** advertisement consent for the following reason(s):

Reason(s) for Refusal

- 1 The proposed LED advertising screen, by virtue of its size, prominent street corner location, and awkward relationship to the design of the elevation of the host building, would appear unduly dominant, and therefore harmful to the character and appearance of the host building and street scene. The proposal is therefore contrary to Policy CS5 (Managing the impact of growth and development) of London Borough



of Camden Local Development Framework Core Strategy and Policy DP24 (Securing high quality design) of London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1

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Appeal Decision

Hearing held on 3 July 2013

Site visit made on 3 July 2013

by P Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2013

Appeal Ref: APP/X5210/H/12/2189379

University College Hospital, 235 Euston Road, London NW1 2BU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by University College Hospital Trust against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/4564/A, dated 23 August 2012, was refused by notice dated 18 October 2012.
 - The advertisement proposed is the installation of a curved media screen affixed to the Hospital façade at the junction with Tottenham Court Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the hearing the appellant's representative confirmed that, notwithstanding the information submitted on the appeal form, the appellant is the University College Hospital Trust.
3. The proposal submitted to the Council originally sought consent for high level NHS signage for the building on the east and west facing façades of the main tower, in addition to the curved media screen. However, the appellant's representative confirmed at the hearing that these elements of the scheme were withdrawn before the Council determined the application. It is clear that the Council determined the scheme on this basis. Accordingly, I have considered only the curved media screen.

Main Issue

4. The main issue is the effect of the advertisement on the character and appearance of the area.

Reasons

5. The media screen would be fixed to the curved corner of the building overlooking the major road junction formed by Euston Road and Tottenham Court Road. The building has an outer section of glazing at this point on a latticed structure, and part of this would be removed to allow the screen to be incorporated into it. Thus, the screen would appear as an integral part of the building rather than having a 'stuck on' look. It would also blend satisfactorily with the extensive glazing used in the hospital, a building of contemporary

- design. Nevertheless, at 6m high and 12m in width, and located on this highly prominent corner of the building, the screen would, notwithstanding the size of the building, have a substantial impact on its appearance and the way it relates to its surroundings.
6. The area is dominated by large scale buildings and roads, has extensive street lighting and is essentially commercial in character. There is also a great deal of advertising, including media screens. However, this is concentrated at street level. I saw during my site visit that, for such a central, urban area, the upper levels of buildings are remarkably free of advertising. This helps to give the area a clean, high quality appearance.
 7. This aspect of the character of the area would be significantly compromised by the appeal proposal. The bottom of the screen would be about 9.4 m above the ground, well above the great majority of advertising material nearby, including the large screens at the entrances to the underpass and the panel on the underpass vent just outside the hospital. Its scale and corner location mean that it would be visible over some distance from certain directions. As such, and given the current lack of advertising clutter at upper levels in this locality, it would appear incongruous and excessively prominent and would dominate this important corner of the building. As a result it would have a marked, harmful effect on the character and appearance of the area.
 8. The appellant argues that this corner of the building was originally intended to be more of a focal point than is currently the case, and that the proposed screen, together with the LED strip lighting and 'UCH' lettering which is also proposed, would help to deliver that aim and thereby enhance the appearance of the building. It is also argued that the scheme represents an innovative design of the type encouraged in Paragraph 63 of the National Planning Policy Framework. However I consider, for the reasons I have outlined, that the screen would appear out of place in this context, and thus undermine the ability of the building to integrate satisfactorily into its surroundings. Thus, the overall effect is a harmful one.
 9. I have considered the conditions suggested by both parties. However, while these would limit the harmful effects of the screen to an extent, it would nevertheless be an intrusive and harmful feature in my view.
 10. I have taken account of the development plan policies and guidance to which I have been referred. However, powers under the Regulations to control advertisements require decisions to be made only in the interests of amenity and public safety. Therefore, the Council's policies alone cannot be decisive.
 11. I have noted that the scheme would generate revenue for the Hospital Trust and allow health messages to be displayed, but these are not sufficient reasons to allow the appeal in view of the harm I have found.
 12. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jacqueline Lean, of Counsel	Landmark Chambers
Martin Stephens BA (Hons)	J C Decaux
DipTP MRTPI	
Fabio Sgroi	Guy Greenfield Architects
Yasmine Hunt	Guy Greenfield Architects

FOR THE LOCAL PLANNING AUTHORITY:

John Nicholls MA MSc MRTPI	Planning Officer
Hannah Parker MPlan	Senior Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification Letter dated 20 June 2013

JCDecaux UK Ltd
991 Great West Road
BRENTFORD
TW8 9DN

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2013/6400/A**
Please ask for: **Carlos Martin**
Telephone: 020 7974 **2717**

22 October 2013

Dear Sir/Madam

DECISION

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

Advertisement Consent Refused

Address:
University College Hospital
235 Euston Road
London
NW1 2BU

Proposal: Display of digital screen to front elevation of hospital.

Drawing Nos: 1169_00_01_PL; -01_01_PL A; -50_01_PL B; -51_05_PL C; -30_02_PL; -30_01_PL A; -31_02_PL D; -31_01-PL D; & Manufacturer's specifications.

The Council has considered your application and decided to **refuse** advertisement consent for the following reason(s):

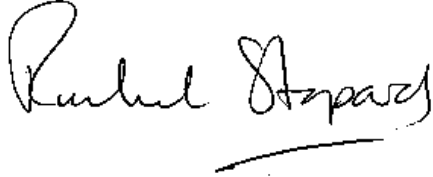
Reason(s) for Refusal

- 1 The proposed advertising screen, by virtue of its size, position, prominent location and method of illumination, would harm the character and appearance of the host building and wider street scene contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of London Borough of Camden Local Development Framework Core Strategy and Policy DP24 (Securing high quality design) and of London Borough of Camden Local Development Framework Development Policies.



Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Culture & Environment

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Appeal Decision

Site visit made on 17 December 2013

by G J Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2013

Appeal Ref: APP/X5210/H/13/2208080

University College Hospital, 235 Euston Road, London, NW1 2BU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux (UK) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/6400/A, dated 2 October 2013, was refused by notice dated 22 October 2013.
 - The advertisement proposed is a single display screen built into the building facade.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the visual impact of the proposed advertisement on the street scene and surrounding area.

Reasons

3. The advertisement screen would be located in an elevated position on a prominent corner, at one of the main traffic routes into the West End of London. The area around the site is commercial in nature, and the high volume of traffic and pedestrians passing the site contributes to its busy character.
4. The proposal is an amended form of one previously dismissed at appeal¹. The main differences in the current proposal are the dimensions and elevation of the screen, and the manner in which it is integrated into the building façade. Despite these differences, the general principles between the two proposals are broadly similar. I have therefore attached some weight to the previous appeal decision.
5. The area contains a mix of architectural styles, and the modern building on which the screen is proposed dominates its corner. Although there are advertising signs visible from the site, there is a remarkable lack of larger signs, save for those directed towards motorists using the Euston Underpass. Nonetheless, the lack of large-scale advertising is such that it does not form a major contribution to the overall character of the area.

¹ Appeal ref: APP/X5210/H/12/2189379, decision date 11 July 2013.

6. In this context, the addition of a large, illuminated advertising screen would appear out of character. As noted above, there is no one architectural style apparent in the area, but several modern buildings command more attention than others, drawing attention away from the overall street scene, due to their scale, massing and design. The building on which the proposed advertisement would be located is one such example, and despite the appellant's assertion that the sign would respect the architectural integrity of the building, it would result in additional attention being drawn away from the street scene towards the building. This would lead to the screen appearing unduly dominant within the context of its surroundings.
7. The appellant also notes the loss of the human scale in the area. The altered elevation and height of the screen, compared with the previous appeal proposal, improves the relationship between the screen and the street level, but still serve to alienate the pedestrian by drawing attention away from street level. As such, the proposal would result in a visual marker that would jar with overall character of the area, resulting in a negative visual impact.
8. I have taken into consideration the design changes to the screen, compared with the previous appeal proposal, and the appellant's comments regarding the need for economic growth and appropriateness under the *National Planning Policy Framework*. I have also given serious consideration to the contribution of the screen to the appellant's role in the community, in that it would display relevant health-based messages, as well as other public information. Whilst I consider that the proposal does not have a severe impact on the appearance of the building itself, these considerations do not outweigh my strong concerns regarding the harmful visual impact of the proposal on the surrounding area.
9. The Council has drawn my attention to its *Camden Core Strategy (2010) Policy CS14*, and *Camden Development Policies (2010) Policy DP24*, which it considers to be relevant to this appeal. I have taken them into account as a material consideration, and consider that the proposal would conflict with these policies, for the reasons set out above. However, powers under the Regulations to control advertisements require that decisions are made only in the interests of amenity and/or public safety. Consequently, these policies have not been a decisive consideration in reaching my decision.
10. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR



Camden
Planning Solutions Team
Planning and Regeneration
 Culture & Environment
 Directorate
 London Borough of Camden
 2nd Floor
 5 Pancras Square
 London
 N1C 4AG

Date: 01/04/2020
Our ref: 2020/0392/PRE
Contact: Ben Farrant
Direct line: 020 7974 6253
Email: ben.farrant@camden.gov.uk

Dear Shoaib Shariff

Re: University College Hospital, 235 Euston Road, NW1 2BU6

www.camden.gov.uk/planning

Thank you for submitting a pre-planning application enquiry for the above address which was received on 15/02/2020 together with payment of £989.02. Following review of the case, I can respond to the enquiry.

Development Description:

Display of digital advertising sign on front corner elevation and installation of air filtration system.

Assessment:

- Whilst the air filtration system would require planning permission, the proposed digital advertising sign would require advertisement consent. In compliance with the Town and Country Planning (Control of Advertisements) Regulations 2007, the advertisement consent would assess only the 'amenity' (including visual amenity) and 'public safety' of the proposal.
- The proposed advertisement sign, by reason of its siting, scale and method of illumination, would have an unduly harmful impact on the visual amenity of the area, both the building and the streetscene. In particular its excessive large size and very prominent corner location exacerbates its harmful impact on the locality. The proposal would serve to detract from the host building and surrounding area, contrary to policies D1 and D4 of the Camden Local Plan, and CPG Advertisements (see Appendix 1), and could not be supported in principle.
- In terms of public safety, the proposed sign would be located at one of the biggest junctions in the borough which is controlled by traffic signals. By reason of its siting, scale and illuminated nature, there is potential for distraction-related collisions by vehicles and pedestrians to arise. Concerns therefore also arise in terms of public safety as a direct result of the proposal.
- The siting and scale of the proposed signage, coupled with the method of illumination, would result in visual amenity and public safety concerns. As such, the advertisement screen could not be supported in principle.
- A data-gathering air filtration system would be introduced as part of the scheme. This is seen as a benefit of the proposal, particularly at this busy intersection with high volumes of traffic and associated air pollution. The air filtration system is encouraged by the Council, and it is advised you explore this aspect of the proposal further.
- Given the above, an advertisement of this siting, scale and method of illumination in principle could not be supported in this location. Although the data gathering air filtration system, in principle, is considered to be a benefit of the scheme, this is not outweighed by the harm caused by the signage display.
- Proposals for similar digital advertising signs on this site have been previously refused and dismissed at appeal twice- please see appendix 1 and the attached appeal decisions.

Please see appendix 1 for supplementary information and relevant policies. Thank you for using Camden's pre-application advice service. I trust this is of assistance.

Yours sincerely,

Ben Farrant
Senior Planning Officer
Planning Solutions Team

Appendix 1:Relevant Constraints:

Contaminated sites potential
 Charlotte Street Community Association Consultation Zone
 Building 18m+
 Central London Area
 Construction Management Plan (CMP) priority area
 Fitzrovia Area Action Plan
 Fitzrovia East Neighbourhood Area
 Strategic View (background, cone and wider setting)
 TLRN (TfL Red Route)
 Underground development constraints (subterranean groundwater flows and slope stability)

Relevant Planning History:

2013/6400/A - Display of digital screen to front elevation of hospital - **Refused 22/10/2013, appeal ref: APP/X5210/H/13/2208080 dismissed 31/12/2013.**

2012/5464/A - Display of digital screen and lettering to front elevation of hospital - **Refused 18/10/2012, appeal ref: APP/X5210/H/12/2189379 dismissed 11/07/2013.**

2011/5720/A - Display of 2x externally illuminated fascia signs, internally illuminated light fittings, digital screen and lettering to front elevation of hospital - **Withdrawn 02/02/2012.**

Relevant policies and guidance:

National Planning Policy Framework (2019)

The London Plan (2016)

Intend to Publish London Plan (2019)

Camden Local Plan (2017)

A1 - Managing the impact of development

D1 - Design

D4 - Advertisements

Camden Planning Guidance

CPG Advertisements (2018)

CPG Design (2019)

Documents to be included with the submission of a planning application:

- Completed full planning application form
- The appropriate fee
- Location Plan (scale 1:1250)
- Site Plan (scale 1:200/1:500)
- Floor plans (scale 1:50) labelled 'existing' and 'proposed'
- Elevations and sections (scale 1:50) labelled 'existing' and 'proposed'
- Noise Impact Assessment (for the air-filtration units)
- Please follow this [link](#) to supporting information for planning applications

We are legally required to consult on applications with individuals who may be affected by the proposals. We notify neighbours by displaying a notice on or near the site and placing an advert in the local press. We must allow 21 days from the consultation start date for responses to be received. We encourage you to engage with the residents of adjoining properties before any formal submission.

Non-major applications are typically determined under delegated powers. However, if we receive three or more objections from neighbours, or an objection from a local amenity group, the application

will be referred to the Members Briefing Panel if officers recommend it for approval. For more details click [here](#).

Please Note: This document represents an initial informal officer view of your proposal based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.



Appeal Decision

Hearing held on 3 July 2013

Site visit made on 3 July 2013

by P Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2013

Appeal Ref: APP/X5210/H/12/2189379

University College Hospital, 235 Euston Road, London NW1 2BU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by University College Hospital Trust against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/4564/A, dated 23 August 2012, was refused by notice dated 18 October 2012.
 - The advertisement proposed is the installation of a curved media screen affixed to the Hospital façade at the junction with Tottenham Court Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the hearing the appellant's representative confirmed that, notwithstanding the information submitted on the appeal form, the appellant is the University College Hospital Trust.
3. The proposal submitted to the Council originally sought consent for high level NHS signage for the building on the east and west facing façades of the main tower, in addition to the curved media screen. However, the appellant's representative confirmed at the hearing that these elements of the scheme were withdrawn before the Council determined the application. It is clear that the Council determined the scheme on this basis. Accordingly, I have considered only the curved media screen.

Main Issue

4. The main issue is the effect of the advertisement on the character and appearance of the area.

Reasons

5. The media screen would be fixed to the curved corner of the building overlooking the major road junction formed by Euston Road and Tottenham Court Road. The building has an outer section of glazing at this point on a latticed structure, and part of this would be removed to allow the screen to be incorporated into it. Thus, the screen would appear as an integral part of the building rather than having a 'stuck on' look. It would also blend satisfactorily with the extensive glazing used in the hospital, a building of contemporary

- design. Nevertheless, at 6m high and 12m in width, and located on this highly prominent corner of the building, the screen would, notwithstanding the size of the building, have a substantial impact on its appearance and the way it relates to its surroundings.
6. The area is dominated by large scale buildings and roads, has extensive street lighting and is essentially commercial in character. There is also a great deal of advertising, including media screens. However, this is concentrated at street level. I saw during my site visit that, for such a central, urban area, the upper levels of buildings are remarkably free of advertising. This helps to give the area a clean, high quality appearance.
 7. This aspect of the character of the area would be significantly compromised by the appeal proposal. The bottom of the screen would be about 9.4 m above the ground, well above the great majority of advertising material nearby, including the large screens at the entrances to the underpass and the panel on the underpass vent just outside the hospital. Its scale and corner location mean that it would be visible over some distance from certain directions. As such, and given the current lack of advertising clutter at upper levels in this locality, it would appear incongruous and excessively prominent and would dominate this important corner of the building. As a result it would have a marked, harmful effect on the character and appearance of the area.
 8. The appellant argues that this corner of the building was originally intended to be more of a focal point than is currently the case, and that the proposed screen, together with the LED strip lighting and 'UCH' lettering which is also proposed, would help to deliver that aim and thereby enhance the appearance of the building. It is also argued that the scheme represents an innovative design of the type encouraged in Paragraph 63 of the National Planning Policy Framework. However I consider, for the reasons I have outlined, that the screen would appear out of place in this context, and thus undermine the ability of the building to integrate satisfactorily into its surroundings. Thus, the overall effect is a harmful one.
 9. I have considered the conditions suggested by both parties. However, while these would limit the harmful effects of the screen to an extent, it would nevertheless be an intrusive and harmful feature in my view.
 10. I have taken account of the development plan policies and guidance to which I have been referred. However, powers under the Regulations to control advertisements require decisions to be made only in the interests of amenity and public safety. Therefore, the Council's policies alone cannot be decisive.
 11. I have noted that the scheme would generate revenue for the Hospital Trust and allow health messages to be displayed, but these are not sufficient reasons to allow the appeal in view of the harm I have found.
 12. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jacqueline Lean, of Counsel	Landmark Chambers
Martin Stephens BA (Hons)	J C Decaux
DipTP MRTPI	
Fabio Sgroi	Guy Greenfield Architects
Yasmine Hunt	Guy Greenfield Architects

FOR THE LOCAL PLANNING AUTHORITY:

John Nicholls MA MSc MRTPI	Planning Officer
Hannah Parker MPlan	Senior Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification Letter dated 20 June 2013

Appeal Decision

Site visit made on 17 December 2013

by G J Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2013

Appeal Ref: APP/X5210/H/13/2208080

University College Hospital, 235 Euston Road, London, NW1 2BU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux (UK) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/6400/A, dated 2 October 2013, was refused by notice dated 22 October 2013.
 - The advertisement proposed is a single display screen built into the building facade.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the visual impact of the proposed advertisement on the street scene and surrounding area.

Reasons

3. The advertisement screen would be located in an elevated position on a prominent corner, at one of the main traffic routes into the West End of London. The area around the site is commercial in nature, and the high volume of traffic and pedestrians passing the site contributes to its busy character.
4. The proposal is an amended form of one previously dismissed at appeal¹. The main differences in the current proposal are the dimensions and elevation of the screen, and the manner in which it is integrated into the building façade. Despite these differences, the general principles between the two proposals are broadly similar. I have therefore attached some weight to the previous appeal decision.
5. The area contains a mix of architectural styles, and the modern building on which the screen is proposed dominates its corner. Although there are advertising signs visible from the site, there is a remarkable lack of larger signs, save for those directed towards motorists using the Euston Underpass. Nonetheless, the lack of large-scale advertising is such that it does not form a major contribution to the overall character of the area.

¹ Appeal ref: APP/X5210/H/12/2189379, decision date 11 July 2013.

6. In this context, the addition of a large, illuminated advertising screen would appear out of character. As noted above, there is no one architectural style apparent in the area, but several modern buildings command more attention than others, drawing attention away from the overall street scene, due to their scale, massing and design. The building on which the proposed advertisement would be located is one such example, and despite the appellant's assertion that the sign would respect the architectural integrity of the building, it would result in additional attention being drawn away from the street scene towards the building. This would lead to the screen appearing unduly dominant within the context of its surroundings.
7. The appellant also notes the loss of the human scale in the area. The altered elevation and height of the screen, compared with the previous appeal proposal, improves the relationship between the screen and the street level, but still serve to alienate the pedestrian by drawing attention away from street level. As such, the proposal would result in a visual marker that would jar with overall character of the area, resulting in a negative visual impact.
8. I have taken into consideration the design changes to the screen, compared with the previous appeal proposal, and the appellant's comments regarding the need for economic growth and appropriateness under the *National Planning Policy Framework*. I have also given serious consideration to the contribution of the screen to the appellant's role in the community, in that it would display relevant health-based messages, as well as other public information. Whilst I consider that the proposal does not have a severe impact on the appearance of the building itself, these considerations do not outweigh my strong concerns regarding the harmful visual impact of the proposal on the surrounding area.
9. The Council has drawn my attention to its *Camden Core Strategy (2010) Policy CS14*, and *Camden Development Policies (2010) Policy DP24*, which it considers to be relevant to this appeal. I have taken them into account as a material consideration, and consider that the proposal would conflict with these policies, for the reasons set out above. However, powers under the Regulations to control advertisements require that decisions are made only in the interests of amenity and/or public safety. Consequently, these policies have not been a decisive consideration in reaching my decision.
10. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR



Appeal Decisions

Site visit made on 10 May 2018

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2018

Appeal A - Ref: APP/H5390/W/17/3192440 Outside 442 Uxbridge Road, London W12 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00970/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
 - The development proposed is 'Replacement Telephone Kiosk.'
-

Appeal B - Ref: APP/H5390/Z/17/3192478 Outside 442 Uxbridge Road, London W12 0NS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00971/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
 - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
-

Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 442 Uxbridge Road, London W12 0NS in accordance with the terms of the application Ref 2017/00970/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances.

4. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

Main Issues

5. The main issue in Appeal A is the effect of the siting and appearance of the proposed telephone kiosk upon the character and appearance of the area.
6. The main issues in Appeal B are the effect of the proposed advertisement upon amenity and public safety.

Reasons

Appeal A

7. The appeal proposal would replace an existing kiosk and would be sited in the same position, close to the outside edge of the footway. It would be an open sided structure with a similar height and footprint to the existing kiosk, and the black finish would reflect the predominantly dark coloured street furniture in the surrounding area. Accordingly the proposal would not add to clutter and would be no more visually prominent than the existing kiosk, assimilating well into the street scene.
8. The Council's delegated report refers to appeals relating to telephone kiosks on Goldhawk Road and Lillie Road. However, I have not been provided with details of these other cases and so cannot draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would not have a harmful effect upon the character and appearance of the area. Therefore, the appeal proposal would accord with the design aims of Policy 6.10B of the London Plan and LP Policies DC1, DC2 and DC10.

Appeal B

10. The Planning Practice Guidance¹ states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. This part of Uxbridge Road comprises a wide range of retail and other commercial uses with associated advertisements, some of which are illuminated. However, these are generally fascia signs on the ground floor units, whilst roadside adverts in the vicinity are confined to posters within bus shelters and some telephone kiosks.
11. The proposed advertisement would be incorporated in a modest freestanding structure in a prominent roadside location facing west down a long and straight stretch of Uxbridge Road. It would therefore be highly visible in long-range views along the street. The display of a sequential series of static digital images would be conspicuous and eye-catching and would not integrate successfully

¹ Paragraph: 079 Reference ID: 18b-079-20140306

into the street scene. As a result, while the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature.

12. The appellant has referred to a number of existing and consented adverts in the surrounding area. However, based on the evidence before me and my observations on site, there are no digital adverts in situ or with extant consent on the same side of the road in the immediate vicinity of the appeal site, and it is within this context that I have considered the appeal proposal. Whilst I note the Inspectors' findings in respect of the digital nature of advertisement displays in a number of other appeals², I do not have full details of these cases and so am not able to make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. Whilst not a reason for refusal, I note that the Council's Highways officer objected to the proposal and that the delegated report states 'the introduction of an LED screen at this point could result in an increase in driver distraction and accordingly be a risk to pedestrian safety.' Given the horizontal and vertical alignment of this section of Uxbridge Road, east-bound drivers would be afforded ample advanced sight of the advertisement so the proposed display would not present a distraction for drivers taking reasonable care. I therefore conclude that the proposed advertisement would not have a harmful effect upon public safety. However, an absence of harm in this regard is a neutral matter which does not weigh for or against the proposal.
14. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity. Consequently, the proposal would fail to accord with the amenity protection aims of LP Policy DC9.

Conditions

15. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
16. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1, Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

² lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080

Conclusions

17. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

CL Humphrey

INSPECTOR



Appeal Decisions

Site visit made on 10 May 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2018

Appeal A - Ref: APP/H5390/W/17/3192437 **Outside 156 Uxbridge Road, London W12 8AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application 2017/00966/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
 - The development proposed is 'Replacement Telephone Kiosk.'
-

Appeal B - Ref: APP/H5390/Z/17/3192472 **Outside 156 Uxbridge Road, London W12 8AA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00967/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
 - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
-

Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 156 Uxbridge Road, London W12 8AA in accordance with the terms of the application Ref 2017/00966/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

Main Issues

4. The appeal site is an area of footway on the north side of Uxbridge Road within Shepherds Bush Conservation Area (CA), which is characterised by the mixture of employment, shopping, leisure and residential development focussed around Shepherds Bush Common.
5. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA and its effect upon the significance of the adjacent non-designated heritage assets at 156-162 Uxbridge Road.
6. The main issue in Appeal B is the effect of the proposed advertisement upon amenity, with particular regard to the character and appearance of the CA and the significance of the adjacent non-designated heritage assets located at 156-162 Uxbridge Road.

Reasons

Appeal A

7. The appeal proposal would replace an existing kiosk and would be sited in the same position, close to the outside edge of the footway. It would be open sided with a similar height and footprint as the existing structure, and the black finish would reflect the predominantly dark coloured street furniture in the area. As a result the proposal would not add to clutter and would be no more visually prominent than the existing kiosk, integrating well into the street scene.
8. The Council's delegated report refers to appeals relating to telephone kiosks on Goldhawk Road and Lillie Road. However, I have not been provided with details of these other cases and so cannot draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA and that it would not have a harmful effect upon the significance of the adjacent non-designated heritage assets at 156-162 Uxbridge Road. Therefore, the appeal proposal would accord with the design and heritage conservation and enhancement aims of Policy 6.10 of the London Plan, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

Appeal B

10. The Planning Practice Guidance¹ states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Uxbridge Road is a bustling street comprising a wide range of retail and commercial uses with associated advertisements, many of which are illuminated. However, these are

¹ Paragraph: 079 Reference ID: 18b-079-20140306

generally fascia signs on the ground floor units, whilst roadside adverts in the vicinity are confined to posters within some kiosks. Shepherds Bush Common lies opposite the site and this large open green space provides a quiet backdrop to the surrounding built form.

11. The proposed advertisement would be incorporated in a freestanding structure in a prominent roadside location facing west down a long and straight stretch of Uxbridge Road. Thus, it would be highly visible in long-range views along the street and towards the adjacent non-designated heritage assets and Common. The display of a sequential series of static digital images would be vivid and conspicuous, and would not assimilate well into the street scene. Thus, although the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature.
12. The appellant has referred to a number of digital adverts on bus shelters which have been granted consent at various locations in the wider area. I do not have full details of these cases although, based upon the submitted evidence, these other sites are between 170 – 275m from the appeal site. Consequently I cannot draw comparisons with the individual site circumstances of the case before me. Whilst I note the Inspectors' findings in respect of the digital nature of advertisement displays proposed in a number of appeals², I do not have full details of these cases and so cannot make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity, would fail to preserve or enhance the character and appearance of the CA and would have a harmful effect upon the significance of the adjacent non-designated heritage assets located at 156-162 Uxbridge Road. Consequently, the proposal would fail to accord with the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

Conditions

14. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
15. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1,

² lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080

Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Conclusions

16. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

CL Humphrey

INSPECTOR



Appeal Decisions

Site visit made on 10 May 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2018

Appeal A - Ref: APP/H5390/W/17/3192419 **Outside 74 Shepherd's Bush Road, London W6 7PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00974/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
 - The development proposed is 'Replacement Telephone Kiosk'.
-

Appeal B - Ref: APP/H5390/Z/17/3192470 **Outside 74 Shepherd's Bush Road, London W6 7PH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00978/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
 - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
-

Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 74 Shepherd's Bush Road, London W6 7PH in accordance with the terms of the application Ref 2017/00974/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances. Although not determinative in either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the proposals.

Main Issues

4. The appeal site is an area of footway on the west side of Shepherd's Bush Road within Melrose Conservation Area (CA), which derives its character from the late 19th century residential terraces within its core and the terraces with ground floor retail units lining Shepherd's Bush Road at its eastern boundary.
5. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA.
6. The main issue in Appeal B is the effect of the proposed advertisement upon amenity and whether it would preserve or enhance the character or appearance of the CA.

Reasons

Appeal A

7. The appeal proposal would replace an existing kiosk and would be positioned in the same location, set in slightly from the edge of the generous footway. The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture. As a result the proposal would be no more visually intrusive than the existing kiosk and would integrate well into the street scene.
8. Whilst the Council's delegated report refers to appeal decisions relating to telephone kiosks on Goldhawk Road and Lillie Road I have not been provided with full details of these cases, and so cannot draw comparisons with the appeal proposal before me. In any event, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA. Consequently, the appeal proposal would accord with the design and heritage conservation and enhancement aims of London Plan Policy 6.10B, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

Appeal B

10. The Planning Practice Guidance¹ states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Whilst development along the western side of Shepherd's Bush Road comprises a range of retail and commercial uses with associated advertisements, some of which are illuminated, these are mostly fascia signs on the ground floor units. Roadside adverts are limited to the static non-illuminated posters within the existing telephone kiosk and a digital display integrated into the bus shelter to

¹ Paragraph: 079 Reference ID: 18b-079-20140306

the north. Development on the opposite side of the road principally comprises residential uses, mature trees line the road and, overall, the area has a fairly subdued appearance.

11. The proposed advertisement would be incorporated in a freestanding kiosk situated in a prominent roadside location near the pedestrian refuge which provides a crossing point over Shepherd's Bush Road, and would face south down the road. The display of a sequential series of static digital images on this structure would be vibrant and conspicuous, and the proposal would be highly visible to pedestrians crossing the road and in long-range views from the south. Therefore, while the luminance level and the rate of image transition could be controlled by condition, the advertisement would create an isolated and inharmonious feature in the street scene.
12. The appellant has referred to the Inspectors' findings in respect of the digital nature of advertisement displays proposed in a number of appeals². I do not have full details of these cases and so am unable to draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits.
13. For the foregoing reasons, I conclude that the proposed advertisement would have a harmful effect upon amenity and would fail to preserve or enhance the character and appearance of the CA. Therefore, the proposal would not accord with the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

Conditions

14. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
15. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1, Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Conclusions

16. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

CL Humphrey
INSPECTOR

² lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080



Appeal Decisions

Site visit made on 10 May 2018

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2018

Appeal A - Ref: APP/H5390/W/17/3188594 **Outside 88-90 North End Road, London W14 9EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00979/TEL56, dated 9 March 2017, was refused by notice dated 29 June 2017.
 - The development proposed is 'Replacement Telephone Kiosk'.
-

Appeal B - Ref: APP/H5390/Z/17/3188471 **Outside 88-90 North End Road, London W14 9EY**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00981/ADV, dated 9 March 2017, was refused by notice dated 8 September 2017.
 - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
-

Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 88-90 North End Road, London W14 9EY in accordance with the terms of the application Ref 2017/00979/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances.

4. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

Main Issues

5. The appeal site is an area of footway on the west side of North End Road within Barons Court Conservation Area (CA), which is characterised by unified groups of residential development laid out in a tightly-knit grid pattern, together with Barons Court and West Kensington Underground Stations and the open space of Hammersmith Cemetery.
6. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA.
7. The main issue in Appeal B is the effect of the proposed advertisement upon amenity and whether it would preserve or enhance the character or appearance of the CA.

Reasons

Appeal A

8. The appeal proposal would replace an existing kiosk and would be constructed in the same position, sited close to the edge of the footway. It would be open sided with a similar height and footprint as the existing structure, and the black finish would reflect street furniture in the vicinity. As a result the proposal would be no more visually prominent than the existing kiosk, would assimilate well into the street scene and would not add to clutter.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA. The appeal proposal would therefore accord with the design and heritage conservation and enhancement aims of Policy 6.10 of the London Plan, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

Appeal B

10. The Planning Practice Guidance¹ states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Although North End Road comprises a wide range of retail and commercial uses with associated advertisements, some of which are illuminated, these are generally fascia signs on ground floor units. Roadside adverts are limited to static internally illuminated posters within the bus shelters to the north and south.
11. The proposed advertisement would be incorporated in a freestanding structure situated in a prominent roadside location near the pedestrian crossing outside West Kensington Station and would face east across North End Road. Thus,

¹ Paragraph: 079 Reference ID: 18b-079-20140306

although not particularly visible in long-range views, the proposal would be highly conspicuous from the eastern side of the road and the crossing. The display of a sequential series of static digital images on this structure would be prominent and eye-catching. Consequently, although the luminance level and rate of image transition could be controlled by condition, the appeal proposal would create an isolated and inharmonious feature in the street scene.

12. The appellant has referred to the Inspectors' findings regarding the digital nature of advertisement displays proposed in a number of appeals². I do not have full details of these cases and so cannot make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity and would fail to preserve or enhance the character and appearance of the CA. Consequently, the proposal would be contrary to the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

Conditions

14. In respect of Appeal A, I do not consider that it is necessary to add to the standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusions

15. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

CL Humphrey

INSPECTOR

² lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080