



Appeal Decisions

Site visit made on 1 December 2021 by M Long

Decisions by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal A – Ref: APP/X5990/Z/21/3281491 17-19 Leicester Square, London WC2H 7LE

- 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 Nick Lawson of Soho Estates Ltd against the decision of the City of Westminster.
 - The application Ref 21/04155/ADV, dated 14 June 2021, was refused by notice dated 17 August 2021.
 - The advertisement proposed is a digital advertising screen measuring 13.2m high x 3.64m wide with integrated LED illumination.
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Appeal B – Ref: APP/X5990/Z/21/3282311 17-19 Leicester Square (Rear Elevation), London WC2H 7LE

- 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 Nick Lawson of Soho Estates Ltd against the decision of the City of Westminster.
 - The application Ref 21/05758/ADV, dated 18 August 2021, was refused by notice dated 3 September 2021.
 - The advertisement proposed is a digital advertising screen measuring 13.4m x 3.6m wide displaying static poster style images with integrated LED illumination.
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Decisions

Appeal A

1. The appeal is allowed and express consent is granted for the installation of a digital advertising screen measuring 13.2m high x 3.64m wide with integrated LED illumination as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Appeal B

2. The appeal is allowed and express consent is granted for the installation of a digital advertising screen measuring 13.4m x 3.6m wide displaying static poster style images with integrated LED illumination as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. There are two appeals at the given address, Appeal A relates to an elevation that faces towards Leicester Square whereas Appeal B relates to an elevation that faces onto Bear Street. Each proposal has been considered on its individual merits. However, to avoid duplication, they have been dealt with in a single decision letter.
5. There are slight discrepancies in the appellant's name contained within the documents submitted at the appeal stage. I have chosen to use the complete name used in the appeal forms.
6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
7. The Planning Practice Guidance (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Main Issue

8. For both appeals, the Council has concluded that the advertisement would be acceptable in terms of public safety and I have no reason to disagree. For both cases, therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

9. The appeal site is located within the Leicester Square Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The site is a large building in the north-east corner of Leicester Square, close to Bear Street and Cranbourn Street. The building has a curved, glazed frontage between two tall, vertical façades with small horizontally-oriented windows; one of which faces towards Leicester Square and the other onto Bear Street. The building accommodates a fast food restaurant with large fascia signage at ground floor level. The surrounding area is well-known for its links to cinema. It is a highly commercial location that is characterised by various entertainment, leisure and retail venues, as well as a significant number of illuminated and non-illuminated advertisements.
10. Appeal A relates to the tall, vertical façade facing Leicester Square, which is seen within the wider context of other tall façades along the eastern side of the square, including a tower feature at the Odeon cinema that has associated high level signage. There is a digital screen of substantial size and height at this cinema, as well as two large digital screens at first floor level that display changing static images. Between the appeal building and cinema are two restaurants with high level signs between the first and second floor windows.
11. Appeal B relates to the tall façade that faces onto Bear Street. It is opposite the Vue cinema, which has a substantial digital screen and additional high level, vertically-oriented signage above. During my site visit, I observed that the display showed a variety of cinema-related and general advertisements.

Attached to the west-facing elevation of the four-storey building between Bear Street and Cranbourn Street are three large poster boxes, with theatre-related imagery, aligned in a vertical manner that reaches a significant height. There are further high level advertisements along Cranbourn Street, including two more poster boxes and vertical signage at the Hippodrome Casino.

12. The appeal schemes would install tall, slim digital displays on the two vertical façades of the host building, covering the horizontally-oriented windows. The bottom edges of the displays would be around first floor level and the top edges would be broadly aligned with the top of the glazed section. The displays would show static images that change at regular time intervals. Appeal scheme A would be most prominent when viewed from the west across Leicester Square and from the Swiss Court area. Due to its angle, appeal scheme B would be partly obscured to those approaching from the east along Bear Street and Cranbourn Street. It would be most visible to those directly in front of the façade, and there is a limited area in front of the host building where both displays would be seen in the same view.
13. Due to the significant number of existing high level advertisements in this area, including large digital screens, the height and positioning of the proposals would not appear out of keeping. Similarly, while the proposed displays would be of a significant size, they would not appear overly dominant when viewed in the wider context of the very large digital displays at the nearby cinemas and the three vertically-aligned poster boxes between Bear Street and Cranbourn Street. The proposals would be in keeping with the character of advertisements in this location, as well as the commercial appearance of this area. Therefore, there would be no harm to the local visual amenity.
14. The appeal schemes would not cover or encroach upon any significant architectural feature on the host building. Furthermore, the dimensions of the proposed displays respond to the tall, vertical profiles of the façades upon which they would be installed. Appeal A would be seen in the wider context of vertical building frontages, windows and the Odeon tower, and so would be in keeping with the character of the streetscene. Similarly, Appeal B would maintain a vertical shape akin to the nearby poster boxes, Vue and Hippodrome signage. As there are only limited areas from which both displays could be viewed together, they would not dominate the wider streetscene. Overall, the design of the displays would respond to their local context and would not result in harm to the visual amenity of the host building and would preserve the character and appearance of the conservation area.
15. The Council have expressed concerns that the proposed screens would not be related to the use of the host building and would display imagery unrelated to the nearby cinema uses. The character of advertising in this area, however, is established by a variety of advertisement types and imagery, not all of which is related to film. Moreover, both appeal schemes would be viewed in the context of the very large digital screen at the Vue cinema, which I noted displayed imagery relating to banking, social media and retail companies. The proposals would, therefore, contribute to the general commercial character of the area and would appear as an appropriate addition to the lively, central city location.
16. The Advertisement Design Guidelines Supplementary Planning Guidance indicates that advertisements, particularly large-scale and high level schemes in Leicester Square, would not normally receive consent where they are

unrelated to the cinema or use of the building upon which they are affixed. However, as mentioned above, the proposals would be viewed within their wider commercial setting and would preserve the character of advertising in this location. The design of the screens would respond to the existing architecture of the host building and local context. They would therefore accord with the overarching aims of this document to ensure that advertisements respect and preserve the character and appearance of the local area.

17. The Council have referred to a case of high level signage that was dismissed at the appeal stage. The full details of this case are not before me; however, it appears that the scheme would have dominated the host building's façade whereas the proposals would respond to the existing architecture. In any event, each case must be determined subject to its individual planning merits.
18. Given the above, the proposals would not result in harm to the visual amenity of the area. As such, they would accord with the City Plan 2019-2040, adopted April 2021, specifically Policy 43 which seeks to ensure advertisements are sensitively designed in terms of their size, location and their impact on the wider townscape. They would also accord with Policy 38 which seeks to ensure that development has regard to the character and appearance of the existing area and adjacent buildings; Policy 39 which seeks to ensure development preserves or enhances the character and appearance of Westminster's conservation areas; and Policy 40 which seeks to ensure development has regard to the prevailing scale and character of the surrounding townscape. There would be no conflict with the National Planning Policy Framework, which seeks to resist proposals where advertisements are poorly sited and designed.

Conditions

19. I recommend the five standard conditions as set out in the Regulations.
20. To prevent the proposals from appearing overly distracting, I recommend a condition to require all displayed images to be static and that the transition between images must be almost instantaneous. Although the Council have suggested a condition that the displayed images shall not change more frequently than once every 12 seconds, the 10 second period suggested by the appellant would be sufficient to prevent undue distraction.

Recommendation

21. For the reasons given above and having regard to all other matters raised, I recommend that both appeals are allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that both appeals should be allowed.

K Taylor

INSPECTOR

Schedule of Conditions:

Conditions in respect of Appeal A

- 1) The advertisement displayed on the media screen shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
- 2) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).

Conditions in respect of Appeal B

- 1) The advertisement displayed on the media screen shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
- 2) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).