



Appeal Decision

Site visit made on 21 June 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/N5660/Z/22/3310412

Opposite 85 Albert Embankment, Vauxhall, London SE11 5AW

Ordnance Survey Grid Reference 530412:178142

- 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 Richard Wilson (Clear Channel UK) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04272/ADV, dated 18 November 2021, was refused by notice dated 8 September 2022.
 - The advertisement proposed is described as 'Replace existing Free-Standing Advertising Unit featuring double-sided internally illuminated sequentially changing 6-sheet advertising displays, with a Free-Standing Advertising Unit featuring double-sided digital displays. The digital displays will portray static, sequentially changing advertising images, changing instantaneously every 10 seconds'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the site address given on the application form, which describes the appeal site in relation to the building on the opposite side of Albert Embankment. The Council referred to the site as Pavement Outside Arch 65, Albert Embankment, London SE1 7TP. There is no uncertainty as to the location of the appeal site, based on the submitted drawings.
3. I have used the description of the proposal as stated on the application form in the banner heading above. This refers to replacement of an existing free-standing advertising unit (FSU). However, I noted during my site visit that the previously existing FSU has been removed. I have therefore considered the appeal on the basis that the proposal is for an FSU on a site where there is no such unit at present.
4. The appeal included plans for an alternative proposal, with a single-sided display. While I have been provided with correspondence demonstrating that the appellant had sought to make this amendment prior to determination of the application, the Council's decision was issued on the basis of the originally submitted plans.
5. I have been given no indication of the Council's view on the proposed amendments. The amended plans have also not been subject to consultation with interested parties. Therefore, there is a risk of prejudice to the interests of such parties if the appeal proceeds on the basis of the amended proposal. In

accordance with the Wheatcroft Principles, I have therefore considered the appeal on the basis that the proposal is for a double-sided display, as considered by the Council when it determined the application.

Main Issue

6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety, taking into account the provisions of the development plan insofar as they are material and any other relevant factors.
7. The evidence indicates that any public safety concerns could be resolved through imposition of suitable conditions. Therefore, the main issue is the effect of the proposed advertisement on amenity.

Reasons

8. The appeal site is on the edge of a wide pavement between a main road and the elevated railway viaduct at Vauxhall Railway Station. It is within the Albert Embankment Conservation Area (AECA).
9. As well as being on a busy roadside, lined with a variety of large-scale commercial buildings, the wide paved area around the appeal site features street trees and soft landscaping. It takes in the frontages of business premises housed in the railway arches, which include an area of outdoor seating. There is a variety of existing street furniture, including a bus shelter, telephone kiosks, road signs and streetlights. Existing advertising is varied in scale and design, but includes a limited number of existing digital displays, such as on the bus shelter and kiosks.
10. The AECA extends along one side of the River Thames, opposite the Westminster World Heritage Site (WHS). Its significance includes its relationship with the cityscape along both sides of the Thames, including views of the WHS and the plethora of heritage assets and landmarks along the Embankment. While the appeal site is not on the riverside itself, the AECA Character Appraisal 2017 (CACA) highlights this part of the AECA as providing valued open space and greenery between the railway arches and Albert Embankment.
11. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the AECA.
12. The site is part of a direct pedestrian route between the railway station and the River Thames, from where public viewpoints are available towards the Westminster WHS, across the river. This is reflected in its inclusion within WHS Approaches, as defined in the WHS Management Plan (WHSMP)¹. Both the CACA and the WHSMP highlight that excessive street clutter is harmful to heritage assets and both express a commitment to managing, and where necessary reducing, such clutter.

¹ The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site Management Plan 2007

13. This area of public realm currently has a busy and diverse urban character, which includes some existing signage as described above. However, the soft landscaping and wide, open paved area are particularly distinctive characteristics, which make a positive contribution to the significance of the Conservation Area as well as to the WHS Approaches. By virtue of its location connecting the railway station with the main route towards the Embankment, the area is readily appreciated by those taking advantage of the nearby viewpoints towards the WHS.
14. The proposed FSU would introduce additional street clutter and undermine the attractive, open character of the wide pavement. While the site is not within the locations identified in the CACA as being the most highly affected by street clutter, it is within an area which is identified as being important due to its open space and greenery. The introduction of an additional FSU would consequently fail to preserve the character and appearance of the AECA, harming its significance as described above.
15. Although there was previously an FSU on the site, this has been removed. Therefore, introduction of the proposed FSU would increase, not decrease, existing street clutter, notwithstanding the fact it would be smaller than the previous unit. While there are some existing digital advertising units in the vicinity, these are few in number. In any case, their presence does not justify introduction of further such units, with consequent increase in street clutter.
16. While the area around the site is not specifically listed among noteworthy townscape views in the CACA, this list does not purport to describe all such views. In any event, the quality of the public realm within the WHS Approaches is highlighted in the evidence as being important, regardless of whether direct views towards the WHS are available. While digital displays may be becoming more prevalent within urban settings, and the proposed level of illumination is stated to meet Institute of Lighting Professionals guidance, neither factor would adequately mitigate the harm to the AECA and WHS Approaches.
17. I conclude that the proposal would neither preserve nor enhance the character or appearance of the AECA and that it would be visually harmful to the WHS Approaches. For those reasons, it would have a harmful effect on amenity.
18. In accordance with the Regulations, I have taken into account the provisions of the National Planning Policy Framework and the development plan insofar as they are relevant. Policies Q19 and Q22 of the Lambeth Local Plan 2020-2035, adopted 2021 and Policy HC2 of the London Plan 2021 protect amenity within Conservation Areas and within the WHS Approaches and are therefore relevant in this case. The supporting text to these policies also makes clear that the guidance in the CACA and WHSMP should be taken into account in relation to amenity. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies and the related guidance.

Other Matters

19. My attention has been drawn to consents granted by the Council for other digital advertising displays near the appeal site, including replacement telephone kiosks. Based on the limited evidence provided, I note that the Council's decision on the latter took account of the removal and replacement of existing kiosks. As such, the circumstances were materially different from the current proposal. In any case, I have considered the appeal on the basis of the

evidence before me and the characteristics of the appeal site and its surroundings.

20. While I note that the proposal forms part of a wider programme to upgrade advertising displays throughout the Borough, and that the appellant withdrew a proposal for a replacement FSU on the opposite pavement, neither factor would adequately mitigate the harm I have identified as a result of the appeal proposal.
21. Various benefits of the proposal have been highlighted, including income to support public services and Council initiatives, scope for public messaging and community content and use of the proposed FSU to house communications technology. However, matters not relating to amenity and public safety fall outside the scope of this appeal, as defined in Regulation 3(1) of the Regulations. As such, these arguments do not provide justification for allowing a proposal which would be harmful to amenity, for the reasons set out above.

Conclusion

22. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR