Planning Inspectorate

Appeal Decisions

Hearing held on 26 November 2024

Site visit made on 26 and 27 November 2024

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th December 2024

Appeal A Ref: APP/X5990/W/23/3334774
The London Pavilion, 1 Piccadilly, LONDON W1J 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by London Trocadero (2015) LLP against the decision of City of Westminster Council.
- The application Ref is 23/01990/FULL.
- The development proposed is the installation of a rooftop building management unit and alterations to shopfronts to the London Pavilion and the Trocadero.

Appeal B Ref: APP/X5990/Y/23/3334775
The London Pavilion, 1 Piccadilly, LONDON W1J 0DA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by London Trocadero (2015) LLP against the decision of City of Westminster Council.
- The application Ref is 23/01991/LBC.
- The works proposed are the installation of two LED advertising screens measuring 2m x 28.54m and 9m x 28.54m to the facade of the London Pavilion building in Piccadilly Circus; Installation of a rooftop building management unit; and alterations to shopfronts to the London Pavilion and the Trocadero.

Appeal C Ref: APP/X5990/H/23/3334776
The London Pavilion, 1 Piccadilly, LONDON W1J 0DA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
- The appeal is made by London Trocadero (2015) LLP against the decision of City of Westminster Council.
- The application Ref is 23/01989/ADV.
- The advertisement proposed is for the installation of two LED advertising screens measuring 2m x 28.54m and 9m x 28.54m to the facade of the London Pavilion building in Piccadilly Circus.

Decision – Appeal A

1. The appeal is allowed and planning permission is granted for the installation of a rooftop building management unit and alterations to shopfronts to the London Pavilion and the Trocadero at The London Pavilion, LONDON, W1J 0DA in accordance with the terms of the application, Ref 23/01990/FULL, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for the installation of two LED advertising screens measuring 2m x 28.54m and 9m x 28.54m to the facade of the London Pavilion building in Piccadilly Circus; Installation of a

rooftop building management unit; and alterations to shopfronts to the London Pavilion and the Trocadero at The London Pavilion, LONDON, W1J 0DA in accordance with the terms of the application Ref 23/01991/LBC and the plans submitted with it, subject to the conditions in the attached schedule.

Decision – Appeal C

3. The appeal is allowed and express consent is granted for the display of the two LED advertising screens measuring 2m x 28.54m and 9m x 28.54m to the facade of the London Pavilion building in Piccadilly Circus at The London Pavilion, LONDON, W1J 0DA in accordance with the terms of the application, Ref 23/01989/ADV, subject to the attached schedule of conditions, which includes the standard conditions set out in the Regulations.

Preliminary Matters

4. These appeals relate to planning, listed building and advertisement consent applications at the same site for the same scheme under different, complimentary legislation. I have dealt with the appeals together in my reasoning.

5. Related to this, the descriptions of development as set out above, have been amended to more accurately reflect those elements of the scheme which require specific consent under the relevant Acts and regulations.

6. A Case Management Conference (CMC) was held on 18 September 2024. This discussed the procedural handling of the case, particularly given that it was changed from written representations to a Hearing. A post-CMC Summary Note, dated 18 September 2024, was issued to reflect the outcome of those discussions.

7. I undertook an unaccompanied site visit in the evening on 26 November to experience the Piccadilly Circus area during this time. An accompanied site visit was also undertaken on 27 November to the building, after which I carried out an unaccompanied visit to the wider environs following an agreed itinerary.[1]

8. I had also previously visited the site during the summer months, prior to changing the procedure to a Hearing. During this visit, I was able to see the Grade I listed Shaftsbury Memorial Fountain in full. At the time of the Hearing, this was covered in a temporary hoarding in order to protect it from damage during the Christmas season.[2]

9. The main parties comprise the London Trocadero (2015) LLP (the appellant), and the Council. Land Securities Group (PLC) (Landsec), who are a neighbouring landowner of Piccadilly Lights and objector to the scheme, also appeared at the Hearing.

10. A comprehensive signed Statement of Common Ground (SOCG), dated 4 November 2024, was submitted by the three parties, setting out matters of agreement and disagreement.[3] The SOCG also includes appendices including a Code of Conduct (appendix 1) and a spreadsheet of heritage assets which covers significance and an assessment of scheme impacts (appendix 2).[4] The

[1] Document H.AE
[2] Document H.47 and H.48
[3] Document H.01
[4] Document H.02

Code of Conduct in the SOCG was superseded by an updated version submitted after the close of the Hearing.[5]

11. The SOCG notes that the reasons for refusal pertaining to the proposed building maintenance unit (BMU) under appeals A and B were no longer being defended by the Council.[6] At the Hearing, Landsec also confirmed that they had also revised their position and did not pursue matters in relation to the proposed BMU.

12. Under the relevant regulations, decisions taken for advertisement consent applications/appeals are only in respect of amenity and public safety. In terms of the latter, it was agreed between parties that the proposals would not cause a detrimental impact to local highway or public safety.[7] There were also no objections from any statutory bodies on this specific matter. Having reviewed the proposals, I am satisfied that the proposals would not give rise to any public safety issues, including in respect of highway safety. My decision is thus confined to matters of amenity for the advertisement appeal.

13. An updated National Planning Policy Framework (the Framework) was published on 12 December 2024. No substantive changes were made to the relevant chapter for the conservation and enhancement of heritage assets, other than amended paragraph numbers. The revisions thus had no significant bearing on the appeal proposals.

14. A signed Unilateral Undertaking was submitted following the close of the Hearing.[8] A list of agreed conditions was also submitted.[9] I come to these later in my decision.

Main Issue

15. Encapsulating the statutory tests for these linked appeals, the main issue is the effects of the proposal visual amenity, and in particular on designated heritage assets including:

    i. whether the significance of the Grade II listed London Pavilion would be preserved.

    ii. whether the significance of other nearby listed buildings, as derived from their setting, would be preserved.

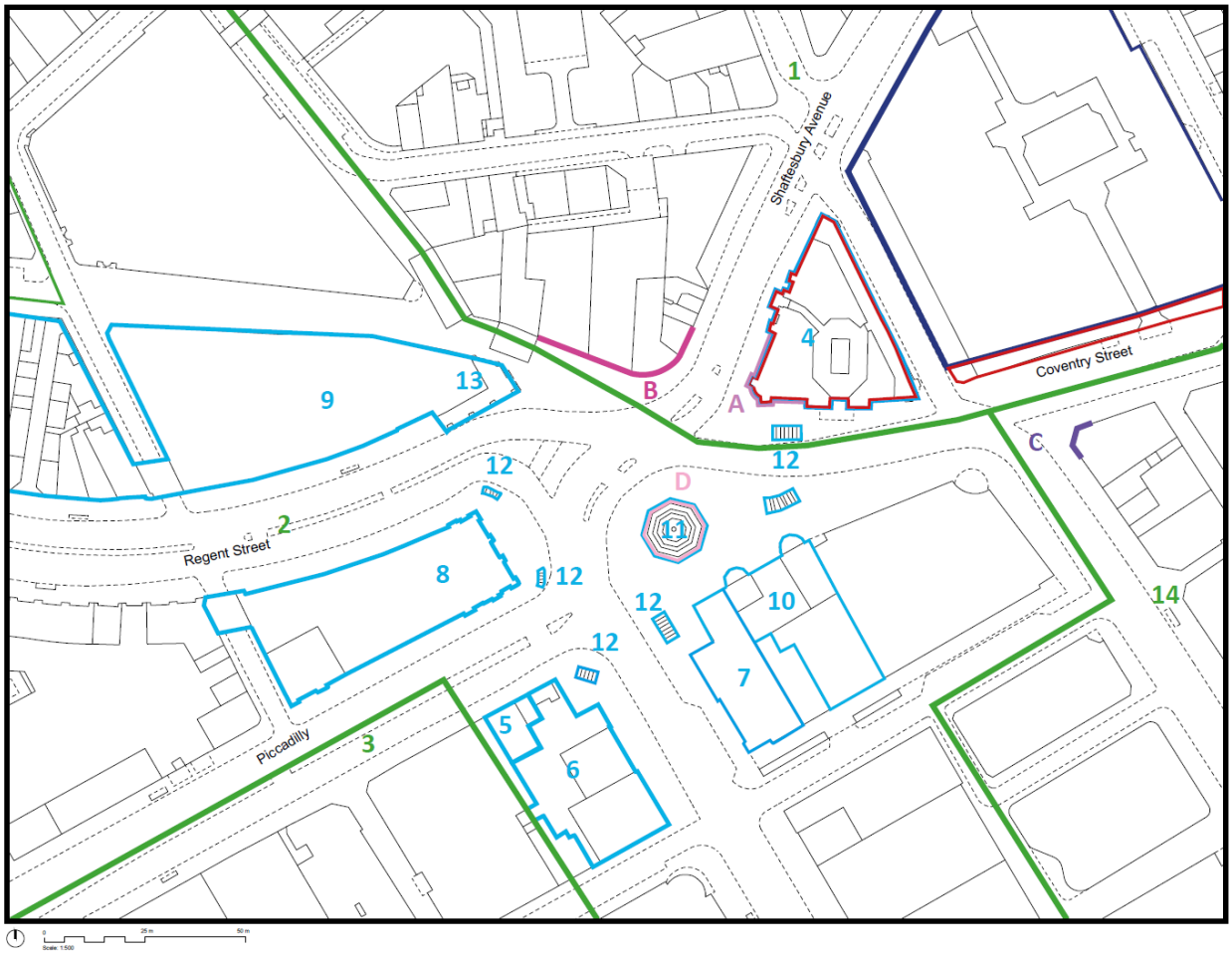
    iii. whether the character or appearance of the Soho Conservation Area and other adjacent conservation areas would be preserved.

Reasons

Site and Surrounding Area

16. For ease of reference, the appeal site, relevant heritage assets at Piccadilly Circus, as well as Piccadilly Lights and other relevant advertising screens which are referenced in this section are all are depicted on the map below:[10]

[5] Document H.94
[6] Document H.01, paragraphs 38 and 38.
[7] Ibid, paragraph 46
[8] Document H.96
[9] Document H.93
[10] Taken from document H.97



	Ref.	Asset
Site	1	Soho Conservation Area
A- Proposed Screen	2	Regent Street Conservation Area
B- Piccadilly Lights	3	St James's Conservation Area
C- "LG" Screen, 22 Coventry Street	4	The London Pavilion (Grade II)
D- Seasonal Advertising, Shaftesbury Memorial Fountain	5	Nos. 215-216 Piccadilly (Grade II)
Listed Building	6	Nos. 27-37 Lower Regent Street (Grade II)
Conservation area boundary	7	Nos. 24-36 Lower Regent Street (Grade II)
Other land in appellant's ownership	8	The Quadrant nos. 9-18 Piccadilly (Grade II)
	9	The Quadrant nos. 52-100 Regent Street / 14-18 Quadrant Arcade (Grade II)
	10	Criterion Theatre and Restaurant (Grade II*)
	11	Shaftesbury Memorial Fountain ("Eros") (Grade I)
	12	Piccadilly Circus Underground Station (Grade II)
	13	The County Fire Office - 50 Regent Street (Grade II)
	14	The Haymarket Conservation Area

The London Pavilion

17. Occupying a triangular plot at the junction of Shaftesbury Avenue and Coventry Street,[11] the appeal property is a Grade II listed building known as The London Pavilion. Built in 1885 as a theatre, it was internally rebuilt and converted into a cinema in 1934. Following its listing in 1978, it was again extensively altered and rebuilt internally as a shopping arcade and exhibition space in 1986. At this time, it was also extended upwards to create two further floors in a mansard roof arrangement. The Pavilion is currently undergoing renovations and conversion into tourist accommodation on part of the upper floors.

[11] With Great Windmill Street forming the third side of the appeal site.

18. Today the external façade constitutes the only remaining historic fabric which is of painted stone construction. The principal façades are an example of Victorian 'eclectic classicism' with symmetrical elevations and central pedimented pavilions. The first floor has a balustraded balcony, tall arcades with mezzanine oculi in lunettes supported on engaged slender Corinthian columns. A further row of square windows with architraves are positioned at second floor level, with a heavy moulded sill/cornice band above. Above this is the later infill roof extension which includes a mansard set behind an infill stucco parapet.

19. The principal elevations to Coventry Street and Shaftsbury Avenue are linked by a rounded corner with the same architectural treatments forming a distinctive prow where these highways intersect at Piccadilly Circus.

Piccadilly Circus

20. Piccadilly Circus is an area which connects Piccadilly, Regent Street, Shaftsbury Avenue, the Haymarket, Coventry Street, St James Street/Lower Regent Street and Glasshouse Street. It forms a major traffic junction within central London.

21. It is an area especially rich in heritage with a number of notable listed buildings including the appeal property, the Criterion Theatre (Grade II*), as well as the County Fire Office and The Quadrant buildings to Regent Street and lower Regent Street which form part of Sir Reginald Blomfield's grandiose rebuilding of Nash's Regent Street Quadrant, c1910-1920 (all Grade II). The south-eastern part of Piccadilly Circus is pedestrianised with the iconic Shaftsbury Memorial (Grade I) standing within this area. The Piccadilly Circus underground station (Grade II) is located directly beneath Piccadilly Circus itself. Redeveloped by Charles Holden in 1925-8, there is no associated surface level building for this station, instead the circular subsurface concourse is accessed via a series of subways located around the Circus.

22. The appeal property is located within the Soho Conservation Area (CA) and is identified as a landmark building.[12] The substantive part of Piccadilly Circus is located within the Regent Street CA but it is an area where the Soho, Regent Street, St James's and The Haymarket CA boundaries all converge.

23. Piccadilly Circus is a vibrant, bustling area within London's West End. It forms an integral part of 'Theatreland' as well as being close to major retailing along Regent Street (and leading to Oxford Street). It also lies within the southern end of Soho as a densely developed and highly mixed area of residential, restaurants, creative industries and entertainment/leisure areas for clubs, music and cinema. Via Regent Street and Piccadilly, it links the historically wealthy and fashionable Mayfair with the historically less desirable area of Soho.

24. The area has other cultural associations as an area for protests, celebrations, and memorials. It is also an area which is often referenced in the arts, in paintings, photographs, words, film and song.

25. Today, this area is a popular tourist attraction for many visitors to London.

[12] As noted by the Soho Conservation Area Audit, December 2004 (H.60)

Illuminated Advertising

26. A further substantive attractor in which Piccadilly Circus is famed for is 'Piccadilly Lights.' This is a large curved digital screen at No 1 Shaftsbury Avenue, located opposite to the appeal site. This is a discernible landmark in the area and is identified as such as well as being an unlisted building of merit in the Soho CA Audit.[13]

27. Piccadilly Circus has a long history of illuminated advertisements. The late 19th Century saw large billboards and sky signs which evolved into electric signs and illuminated billboards from 1904 onwards. The introduction of neon signs took place from 1910.

28. The London Pavilion itself also hosted a large number of such signs across its principal façades. Between 1920-1980 Piccadilly Circus was awash with illuminated signage of different sizes.[14]

29. From the 1980's controls were used to limit the number of advertisements in the area. Today the London Pavilion has no illuminated signs attached to its upper floors. There was some uncertainty between parties as to whether the proliferation of signage at the appeal property was removed prior to its listing in 1978, or whether it formed part of the extensive works which took place in the 1980's. There are also later appeal decisions for signage at the London Pavilion, including refusals in 1992 and 2010[15] and permission for temporary signage in the form of scaffolding shrouds allowed in 2023.[16]

30. At present, Piccadilly Lights comprises the largest expanse of illuminated advertising in the area. Like the rest of the area, the signage at No 1

[13] Document H.60
[14] These are shown in historic photographs within Appendix A of the appellant's Heritage Statement of Case (H.06, appendix A, photographs A1.1-A1.8) as well as the figures 2-6b within the Heritage Statement (March 2023) (H.23 p8-9). Photograph reproduced in this decision is from H.23 (front cover) c1960.
[15] Document H.50.A and H.51
[16] Document H.52

Shaftesbury Avenue evolved over time as technology has advanced. The current single largescale digital sign replaced a number of individual illuminated LED signs in 2017. It is subject to a code of conduct which ensures the famous 'patchwork' effect of advertising is retained. The sign is also used to reflect national events such as Remembrance Sunday. The Hearing also heard that since 2020, there is also a daily public art program whereby advertising is paused, and artwork is displayed by emerging and established artists to support the cultural appreciation of the arts across the globe.

31. While Piccadilly Lights remains the largest and most prominent sign in the area, there are other examples. In particular, No 22 Coventry Street, a Grade II listed building located to the east of the appeal site has a large illuminated digital screen above its parapet, to the corner of the building which faces towards Piccadilly Circus. From the information before me, this was first erected in the 1980's and its retention was granted on appeal in 1997.[17]

32. The Shaftesbury Memorial also has temporary annual permission between 15 November and 19 January for advertising hoarding. This is part of protecting the statue from antisocial behaviour during the Christmas season and the adverts are subject to a management plan which includes control over content.[18]

33. Other examples in the locality includes high level illuminated digital and static signs associated with the many Theatres in the area, including those along Shaftsbury Avenue. Together these signs all contribute to the visuality and dazzling ambiance which is an inherent part of the character of Piccadilly Circus.

34. Overall, Piccadilly Circus is an area which has international recognition and is of landmark status. It is a rich and iconic urban public space, notable for its heritage as well as its dazzling illuminated adverts, primarily associated with the Piccadilly Lights.

Proposals

35. The proposals comprise three distinct elements:

    i. LED advertising screens. There would be two separate curved screens which would be attached to the prow of the building. The larger screen would be 9m x 28.54m, in between the central pedimented pavilions, starting above the first floor balustrade and terminating beneath the sill band. The second would be a 'ticker screen' which would measure 2m x 28.54m and which would be located above the decorative sill band to the extended parapet. These will be supported by a cantilevered steel frame which would run through existing window opening to the internal existing RC columns.

    ii. A building maintenance unit (BMU) to be installed on the existing roof on tracks. It would be stored towards the rear of the roof and would not be visible in public views.

    iii. Shopfront alterations to the ground floor units.

[17] Document H.50.B
[18] Documents H47-49

Legislative and Policy Approach

36. The decision-making framework for the assessment of heritage assets is well established including the legal duties imposed by the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCA), and the corresponding approach in the Framework (section 16). There were also several case law decisions relating to heritage before the Hearing, which have examined the approach, including the assessment of setting against national policy and legislative requirements.[19]

37. An argument was advanced by the appellant that there is an inconsistency between the policy wording of Policy 39 of the Westminster City Plan (2021) and the Framework/Legislation. Part B (1) states that development must "*ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance.*"[20] It was held that this goes beyond the Framework requirements and seeks to protect setting in its own right, rather than as a component of significance.

38. I do not read this policy in this way and consider that this is an overly forensic disaggregation of the policy text. Setting is not a heritage asset or a heritage designation in itself. A fair and plain reading of Policy 39 B (1) does not indicate to me that it gives additional weight to setting, nor that the decision maker is required to assess the 'significance of setting' in its own right. The wording seeks to simply highlight that the policy is relevant to not only the assets but includes their setting as a component of significance. This is reflective of s66(1) of the PLBCA. I am also mindful that the City Plan was adopted post-Framework where the language in respect of assets, setting and significance is long established.

39. In any case, as linked appeals it should be noted that development plan policy is only strictly applicable to Appeal A related to planning permission as listed building and advertisement appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Instead, the development plan is a material consideration rather than carrying statutory weight for appeals B and C.

40. Finally, appendix 2 of the SOCG sets out a clear analysis of the significance of heritage assets, the contribution of the appeal site to that significance, an assessment of impact and conclusion of the level of harm. That is a sound approach, consistent with the Framework and the relevant legislation. Using this as a basis, I now turn to my assessment of the heritage assets.

Heritage Assessment

<u>The London Pavilion</u>

41. Due to the extensive works carried out in the 1980's, the architectural significance of the appeal property today relates solely to the classical façades with their ornate detailing and order, addressing both Coventry Street (towards Piccadilly Circus) and Shaftsbury Avenue. It also has historic significance an entertainment venue as a purpose-built Victorian theatre, and later a cinema. In my view, the long history of advertisements adorning this building adds to the historic significance of the building.

[19] Documents H.84-92
[20] Document H.56

42. The scale of the main digital sign would be as such that it would extend around the prow, terminating at the giant columns supporting the central porticos to each of the main façades. There would be no loss of historic fabric from the works and the use of existing window openings for the steel cantilever is considered to be acceptable as the windows are modern and of no historic interest. However, the curved screen would obscure part of the classical detailing to the prominent prow of the building. The smaller ticker sign would not obscure any historic fabric but cumulatively would add to the general concealment of the façades.

43. The very purpose of an advertisement is to draw the eye, and the scale of the signs would take away part of the focus away from the building itself. This, along with the level of obfuscation of architectural details, would cause harm.

44. However, the screens would be concentrated to the corner area of the building and the overall eclectic classicism would remain legible, as would its original use as an entertainment building. The length and positioning of the screens in the area between the central pedimented pavilions would help to maintain the overall symmetry of the building. The harm would also be tempered by the reversibility of the works.

45. Like Piccadilly Lights, the screens would be subject to a Code of Conduct, secured by condition. Part of this would include the display of a photorealistic 1:1 likeness of the building for 10 seconds twice per hour, so that visitors can understand the buildings appearance behind the screens.

46. It is clear that the proposals are not reminiscent of the historic neon signs, but they are a modern evolution of such illuminated signage and would contribute to the historic layering of this building in this regard. I accept that the removal of the accumulation of signs in the 1980's did better reveal the architectural significance of the building. Although the screens would be solid, as stated they still would allow a large part of the building to be appreciated. It is a more restrained approach than the proliferation of signage in the past and strikes a balance in acknowledging the history of illuminated signage, while not totally covering up the architectural details.

47. In this regard, I consider the addition of the digital screens would compliment the historic significance of the building in light of its very specific history of advertisements.

48. Taking the above together, and adopting the terminology used by the parties,[21] the harm relates to the special architectural interest of the listed building only and the impact of that harm on the overall significance of the building would be at the lower end of 'less than substantial.'

49. My assessment of harm differs from all of the parties, as well as other interested parties such as Historic England and the Soho Society. The broad consensus between the parties opposing the scheme is that harm would be to the upper end of the scale of less than substantial harm. Landsec go one step further and cite substantial harm. My assessment is more aligned to the appellant's position, albeit positioned one step further up the scale.

50. Due to the total loss of historic interior of The London Pavilion, and its architectural interest being limited only to the external elevations, the Council

[21] Document H.01, paragraph 67

considered that the significance is therefore concentrated. Accordingly, they held that the harm is similarly concentrated and at a level 'just shy of substantial harm.'

51. I do not subscribe to that approach. It is the degree of harm to significance that must be considered. This is a building of special architectural and historic interest; the façades undoubtably make up an important part of its special interest but they are not 'extra special' because of the previous demolition works to the interior. Nor would that make harm particularly concentrated.

52. Conservation is about managing change to a heritage asset in ways that sustain, reveal or reinforce its cultural and heritage values. I have reached my view based on my assessment of the special interest as a whole, which includes architectural interest but also its historic interest.

53. Planning Practice Guidance (PPG) notes that substantial harm is a high test and may not arise in many cases. [22] Here, I do not consider that bar is met; the proposals would not seriously affect a key element of special interest and for the reasons set out above, the degree of harm to significance is limited. I note the 2010 appeal decision[23] cited substantial harm, but that decision was taken pre-Framework and the development of the associated tests which are being considered here.

54. The BMU would be attached to modern fabric and would not be visible when it is in parking position. If it were ever visible, it would be experienced in the context of general accoutrements typically found within the roofscape. I find no harm from this element of the proposals.

55. It was common ground between parties that the proposed works to the shopfronts would be a heritage benefit.[24] Having reviewed the proposals, and based upon my site inspection, the works would unify the appearance of the doors, windows and signage and would be a positive aspect of the scheme.

56. Overall, there would be less than substantial harm to the lower end of the scale. This relates solely to the proposed advertisements. There would also be heritage benefits from the proposed shopfront alterations.

Conservation Areas

57. Located within the Soho CA, the London Pavilion is a notable landmark building which marks an entrance point into this CA. It is characterised by dense 17th and 18th Century domestic scale development and larger scale 19th Century development which formed part of the historic emergence of Theatreland. The lively character of Piccadilly Circus follows through into Soho, particularly with the various entertainment establishments. As previously noted, Piccadilly Lights is part of an unlisted building of merit and recognised as a landmark in the Soho CA Audit.

58. As a purpose-built 19th Century entertainment venue, and in light of its gateway location, it is clear that the appeal property makes a positive contribution to the character and appearance of this CA.

[22] Paragraph:018 Reference ID: 18a-018-20190723
[23] H.51
[24] Ibid, paragraph 19 & 56

59. Regent Street CA is a grand set piece of architectural design, redeveloped in a neo-classical style in the last 19th and early 20th Centuries for the Crown Estate, replacing John Nash's original design. It has a very consistent character and appearance. It is also characterised by retail outlets within these buildings. The London Pavilion is seen in views from Regent Street and Piccadilly.

60. St James CA contains high quality 18th, 19th and 20th Century buildings built around a grid iron street pattern, within a number of major thoroughfares, including Piccadilly and St James's Street. The London Pavilion is visible from within this CA, viewed along Piccadilly. It is not particularly visible in views along St James Street, until the very top at Piccadilly Circus itself.

61. Haymarket CA is a mixed area which is dominated by large late 19th and 20th Century developments. It forms part of the wider West End and Theatreland and its character and appearance is derived as an entertainment and shopping street. The London Pavilion is viewed obliquely from the northern edge of the CA, where Haymarket meets Coventry Street, forming part of the lively townscape in this area.

62. Each of these CA's have been designated separately as they are all distinct in character, however they are all united by Piccadilly Circus which acts as an important gateway to these areas. In straddling the various CA's Piccadilly Circus has its own unique character as a place and destination in its own right and forms an important character area within each of the CAs. The day and nighttime experience is one of lights, liveliness, noise and excitement which is a fundamental part of the character and appearance of each of the CAs. The number of visitors adds to its bustling character.

63. In this regard, no matter where the CA boundaries are drawn, Piccadilly Circus as a whole makes a positive contribution to the character and appearance of these CAs and is a hugely important part of their significance, be it directly and indirectly through the setting. The appeal property is an integral part of Piccadilly Circus as a classical building with entertainment origins to the Soho side of this space, and as seen in views from each CA. Accordingly, it also makes an important contribution to these.

64. Turning now to the effects, the views would undoubtably change around Piccadilly Circus with the addition of further large screens opposite the existing Piccadilly Lights. The London Pavilion forms the visible end stop to the Circus in views along west along Regent Street and Piccadilly (Regent Street and St James CAs) and instead of the classical elevations, the view would be of the advertisement screens.

65. Although I have found harm to the listed building through the obscuration of architectural detailing, mindful that the CAs are area-based assets, I do not consider that the limited harm extends to the CAs. While the views and experience would be altered, the landmark status of the London Pavilion which makes a positive contribution to the CAs would be maintained by the proposals, just in a different form.

66. The overall experience would be further activity, lights and liveliness which is an important and fundamental part of the character of Piccadilly Circus and an important part of the significance of the CAs which encompass this area. As a gateway site within the Soho CA, this would be consistent with the overall character and appearance, particularly along Shaftsbury Avenue with its

theatres and entertainment venues. The proposals would contribute towards setting of Regents Street and St James CAs in this location. The overall experience would be the same for Haymarket CA, albeit views would be oblique, but the proposals would give further visual clues to the presence of Piccadilly Circus beyond.

67. The addition of a further 2 screens would sit comfortably in the context of Piccadilly Lights and within this famous nodal point of the West End. There would be a cumulative effect with Piccadilly Lights and the roof advertisement at No 22 Coventry Street, but Piccadilly Circus would largely remain an uncluttered space, due to their form and positioning. With the Code of Conduct in place, I consider a suitable balance between the heritage of this space and the vibrancy would be struck.

68. As previously referenced, a Code of Conduct is proposed, and would be secured by condition. Piccadilly Lights is subject to a similar code which includes breaking up the size of advertisements within the single screen.[25] While not included currently as part of these proposals, given the history of the area, I consider that there would be merit in adopting this approach. This would assist in breaking up the massing of advertisements and could be secured by condition to incorporate this.

69. Overall, I am satisfied that the character and appearance of the each of the CAs would be both preserved and enhanced. This relates directly to the Soho CA, of which the appeal property sits within, as well as the setting of the Regents Street, St James, and Haymarket CAs.

Shaftsbury Memorial Fountain

70. This Grade I listed structure dates from 1892-93 and has exceptional architectural and historic significance as a bronze proto-Art Nouveau sculpture. By Alfred Gilbert, it commemorates Lord Shaftesbury. It comprises of an octagonal fountain surmounted by a winged archer representing the Angel of Cristian Charity. It is located atop a stepped platform which gives it prominence within the Circus, above the roads and pedestrian areas.

71. While it has been moved from its previous central location, the Memorial Fountain acts as a focal point and a landmark within Piccadilly Circus. Its setting is thus an important part of its significance. It is also well used, as a meeting point, a place for street entertainers to stand, and when not covered by a hoarding, a place to sit and take in the surroundings. These are factors which also contribute to significance.

72. The fountain itself offers 360-degree views around Piccadilly Circus. In light of the vibrancy of the area, the experience of this asset within Piccadilly Circus is kinetic. Piccadilly Lights forms a notable part of the experience of the Fountain, but also the heritage of this area is appreciable from the asset and as a backdrop to it from numerous vantage points around it. This currently includes the London Pavilion as a classical backdrop as well as other listed buildings which encircle the Circus.

73. The views which this asset is experienced and its setting, would change in part as a result of the proposals. In particular the view from the south-west, which is of the side profile of the Angel, would be experienced with the

[25] H.05 Appendix 6

advertisements across the prow of the appeal property in its background. The forward-facing view of the Angel would also have the proposed signage within the view, to the left, with signage at No 22 Coventry Street to the right.

74. However, similar to my findings for the CAs, that change would not equate to harm. In this location, it would be a concentrating effect of the bright light character in cumulation with Piccadilly Lights and No 22 Coventry Street to this part of the Circus. This Grade I listed structure would sit comfortably in the foreground. Given the kinetic nature of the area and the 360-degree experience, one could easily turn their back on the London Pavilion and Piccadilly Lights to view the Fountain against a quieter historic classical backdrop, along Regent Street, Piccadilly and St James Street/Lower Regent Street.

75. Overall, I consider that the significance of the Shaftsbury Memorial Fountain, as derived from its setting, would not be harmed by the proposals.

Criterion Theatre

76. This Grade II* listed building faces onto Piccadilly Circus, located opposite the Coventry Street elevation and prow of the London Pavilion, to the south. It represents a fine example of a Victorian Theatre in an eclectic classical style, with pedimented pavilion-wings, and ornate fine detailing including statues, draped female figures, festoons and foliage. These factors give it architectural and historic significance.

77. Dating from 1870-74, it is a contemporary of the London Pavilion and shares similar architectural traits. These assets make an important contribution to each of their settings.

78. Setting also contributes to the significance of the Criterion Theatre as it forms part of the established character of theatres, cinemas and entertainment venues. It forms a landmark and end stop in the view along Shaftsbury Avenue, thus it has an important presence to Piccadilly Circus as a whole.

79. The relationship between the appeal property and the Criterion would be preserved by the proposals. As previously stated, the architectural details including the central pavilion to Coventry Street of the appeal property would remain discernible and, in this regard, the shared appreciation and understanding of the eclectic classical architecture and history would remain in-tact. The proposal advertisement screens would be in keeping with the general lively character of the area which contributes to setting of the theatre.

80. Overall, I consider that the significance of the Criterion Theatre, as derived from its setting, would not be harmed by the proposals.

Piccadilly Circus Underground Station

81. This Grade II listed building is predominantly a below ground asset. Serving the Piccadilly Line, the Holden design of its 1925-28 reconfiguration has architectural significance as a circular subterranean concourse in a modern interpretation of a Neo-Roman Style. It also has historic significance as major feat of transport engineering and the first of Charles Holden's programme of updated stations along this line.

82. Its significance as derived from its aboveground setting is limited, particularly in terms of architecture. However, Piccadilly Circus is important in terms of part of the experience and arrival, with users emerging out of the seven access points spread across the Circus, enjoying the views of various landmarks (described above and including the appeal property) and the lights, activity and energy.

83. Like my findings elsewhere, I find there would be no harm from the proposals due to the contribution to the experience of the area. The sense of arrival through the underground concourse to the general history and character of Piccadilly Circus would not be adversely affected and thus the limited contribution of this setting to significance would not be impacted.

Other Listed Buildings

84. The Quadrant nos 9-18 Piccadilly, The Quadrant nos 52-100 Regent Street/ 14-18 Quadrant Arcade, The County Fire Office no 50 Regent Street, Nos 215-216 Piccadilly, Nos 27-37 Lower Regent Street and Nos 24-36 Lower Regent Street are all Grade II listed buildings which make up the west and south-west part of Piccadilly Circus. They all form part of Blomfield's rebuilding of Nash's grand Regent Street project and all have formal classical architectural compositions which form an important part of their significance.

85. Together they form a contemporaneous group, built between 1905-20 which similar architectural details through their materials, height and embellishments. Within Piccadilly Circus, collectively they demark the historic boundary between fashionable Mayfair and the less high-status Soho area. This townscape effect is heightened given that they are separated from the central pedestrian area by the busy highway[26] These factors contribute to their historic significance.

86. Piccadilly Circus forms an important part of the setting of these assets, for the reasons previously rehearsed. As a harmonious group, these listed buildings contribute to the historic sense of place at Piccadilly Circus. The London Pavilion is an intrinsic part of the Soho side of Piccadilly Circus. It also forms an end stop within views along Regent Street and Piccadilly lined by these listed buildings and thus it forms an important part of their setting.

87. As cited above for other heritage assets, the signs would be clearly read in conjunction with Piccadilly Lights opposite these assets and given that the advertisements are an important part of the established character and setting, the addition of further signs to the building prow would not substantially change that setting in any meaningful way. The addition of two further screens in the form proposed would not result in a proliferation of signs, and again Piccadilly Circus would largely remain an uncluttered space.

88. As previously identified, the screens would result in the obscuration of some of the classical features of the London Pavilion causing limited harm. However, the appeal property, and indeed the Criterion Theatre are different in their architectural significance, both being previously described as 'eccentric classicism.' This discernible grouping of listed buildings is precisely that because they were built as a different phase of development around the Circus, with a more 'restrained classicism' treatment. Visitors can also appreciate this as an entry point to Regent Street/Piccadilly/St James areas, turning their back

[26] With the exception of Nos 24-36 Lower Regent Street

on Piccadilly Lights and the proposed signs, for a quieter experience. The uniformity of architecture of these listed buildings would thus be protected.

89. I find that no harm would arise from the proposals to the significance of these Grade II listed buildings, as derived from their setting.

Public Benefits

90. The Framework also directs that great weight should be given to an asset's conservation. The shopfront alterations are a benefit in this regard. While these works could be completed independently, they are tied into this scheme through the Unilateral Undertaking which requires their completion prior to the installation of the screens.

91. I have also found there would be enhancement to the CA's, directly to the Soho CA, and indirectly to the other CAs which cover Piccadilly Circus. This would arise though the enhancement of Piccadilly Circus as a world-renowned location for illuminated advertisements. These heritage benefits would thus attract great weight in support of the scheme.

92. Related to this would be increased tourism and increased contributions to the West End economy. These are currently unquantifiable, but I find it highly likely that there would be at least a small level of benefit in this regard.

93. Other cited public benefits relate to the public content of the proposals, which would include dedicated public content to the upper 'ticker' screen. This would be secured by condition for the previously mentioned 'Code of Conduct.' Again, this would represent a small part of the scheme but in light of the cultural importance of Piccadilly Circus and its use at notable events, would constitute a small public benefit for the purposes of these decisions.

Conclusions

94. Piccadilly Circus is a famous and iconic area which is known for its heritage as well as its vibrancy and liveliness. The illuminations and advertisements are an intrinsic part of its character, contributing to the townscape and cultural experience.

95. Overall, I have found harm to the London Pavilion, as a Grade II listed building. This harm relates solely to the proposed addition of the two screens obscuring its architectural features. While the harm I have identified is a low level of less than substantial harm, it nonetheless attracts great weight.

96. There would be no harm to the significance other listed buildings in the vicinity, as derived from their setting.

97. There would also be benefits in terms of heritage benefits from the shopfronts and the enhancement of the CAs, which also attract great weight. Other small-scale economic and social benefits are also identified.

98. Taken together, I consider that these benefits outweigh the harm identified. In this regard, there would be no conflict with the Framework.

99. Although not decisive in terms of the listed building and advertisement appeals, there would be no conflict with London Plan Policy HC1, which seeks to conserve significance of heritage assets by being sympathetic to that significance and the appreciation within their surroundings. In terms of the

Westminster City Plan policies 2, 38, 39, and 40 would also be met. Together these seek to protect heritage assets, foster good design, townscape and architecture.

100. I have also taken into account Policy 43 of the City Plan which seeks to protect amenity and so is material in this case. In light of my findings above, the proposal would not harm amenity, in accordance with this policy.

Other Matters

101. A number of other appeal decisions were referenced by parties, in support of their respective cases. These include other decisions at the appeal site,[27] as well as within Piccadilly Circus and the wider area.[28] However, those appeals related to different proposals, particularly in respect of the London Pavilion, and I have reached my own conclusions based on the detailed evidence before me. Moreover, in respect of those decisions taken at Leicester Square and Oxford Street, these areas are of very different characters to Piccadilly Circus and are not particularly comparable.

102. In terms of future pressure for further advertising in this area, Piccadilly Circus is somewhat of a contained space and has a unique character and attributes. The London Pavilion is also somewhat unique in its form and function. I do not therefore consider it likely that allowing these appeals would result in a future proliferation of signage in this area and indeed other areas of London. Again, and such future application would be determined based upon its own merits.

Conditions

103. A list of conditions for each of the appeals was drawn up by parties, discussed at the Hearing and subsequently amended and agreed by the parties.[29] My consideration has taken account of paragraph 56 of the Framework and advice in the PPG.

Appeal A – Planning Permission

104. I have imposed the time limit and plans conditions for certainty (conditions 1-2). The submission of detailed drawings and materials samples for the shopfronts are necessary in order to protect the special interest of the listed building (conditions 3-4). A code of construction practice is necessary in light of amenity and safety matters (condition 5).

105. Controls in relation to the positioning of the BMU are necessary, again in the interest of protecting the special interest of the building and CA (condition 6). Condition 7 relates to the submission of a decommissioning method statement in the event the adverts would be removed. This is also necessary to protect special interest, should the screens be removed in the future.

Appeal B – Listed Building Consent

106. I have imposed the time limit condition for certainty (condition 1). Although the plans condition is specified by parties, this is not strictly necessary as listed building consent is for the works and plans as approved, which is reflected in the formal decision above (paragraph 2). Unlike Planning Permission, there is

[27] H.50A, H51-52
[28] H.07, Appendix 3
[29] H.93

no provision for an application for a minor material amendment to a listed building consent, and so such a condition would be unnecessary.

107. The submission of a structural report is required for the protection of the special interest of the listed building. There is a structural report as part of the application, but this suggested itself that further reports are necessary (condition 2).

108. Conditions relate to the submission of detailed drawings, materials samples for the shopfronts, details of the windows to be removed, BMU storage position are also necessary for the protection of special interest (conditions 3-6).

109. Finally, conditions 7-9 relate to works in the event of the screens to be removed, including the removal of the BMU, reinstatement of windows and a decommissioning method statement. Again, these are necessary for the protection of special interest of the Grade II listed building.

Appeal C – Advertisement Consent

110. Under Regulation 14(a) all advertisements which are granted express consent are subject to the five standard conditions set out in Schedule 2 of the Regulations. Because of the conjoined nature of these appeals, for clarity these are specified.

111. In addition, a condition relating to the Code of Conduct is necessary to preserve the special interest of the listed building and the character and appearance of the wider area, include the CAs, as well as in term to highway safety and visual amenity.

112. Two separate versions of this condition were presented – the Council and appellants version seeks accordance with the Code of Conduct dated 29 November.[30] Landsec have proposed a different condition which requires the submission of a further Code of Conduct, setting a number of parameters for it to cover including the requirement for a patchwork/split screen approach to advertising.

113. As written, the Code of Conduct is a thorough document which sets the technical parameters, luminance levels and content (live & interactive as well as event and public interest). It does not cover the requirement for a patchwork/split screen, which is a requirement of the Piccadilly Lights Code of Conduct.[31] In light of my reasoning above on this, I consider that this is necessary for helping to break up the massing of the advertisements. I have therefore imposed a condition reflecting the need to submit a new Code of Conduct on this basis. I have amended the condition as suggested by Landsec in terms of the provisions which follow the headings within the current Code of Conduct document, for consistency and clarity.

Conclusion

114. For the reasons given above, and having regard to all other matters raised, Appeals A, B and C should be allowed.

Claire Searson INSPECTOR

[30] H.94
[31] H.05 Appendix 6

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Toby Cuthbertson	Senior Design and Conservation Officer
Matthew Pendleton	Senior Design and Conservation Officer

FOR THE APPELLANT:

Counsel:	Reuben Taylor KC, Landmark Chambers, instructed by Centro Planning
Heritage:	Laurie Handcock MA (Cantab) MSc IHBC MCIfA, Director, Built Heritage and Townscape, Iceni
Planning:	Aaron Zimmerman MA MSc MRTPI, Director, Centro Planning Consultancy
Planning:	Mariam Malakzi MPlan, Planner, Centro Planning Consultancy
Structural Engineering:	Ben Whitehead MEng CEng MIStructE, Director, Engineeria
Appellant representative:	Tim Bystedt DipArch ARB, Head of Planning & Design, Criterion Capital

FOR LANDSEC (INTERESTED PARTY):

Counsel:	Melissa Murphy KC, Landmark Chambers
Instructing Solicitor:	Tom White, Senior Associate, Bryan Cave Leighton Paisner LLP
Heritage:	Robert Ayton MA MSc IHBC MRTPI, Senior Heritage Consultant, Donald Insall Associates
Heritage:	Louisa Hunt, Researcher, Donald Insall Associates
Planning:	Blythe Dunk BSc MSc MRTPI, Director, JLL
Landsec Representative:	Mark Hodgson, Senior Commercial Media Development Manager, Landsec
Landsec Representative:	Jessica White, MRICS, Senior Development Manager, Landsec

SCHEDULE OF HEARING DOCUMENTS

Ref.	Document	Dated
Appeal Documents		
H.01	Signed SoCG	4 Nov 2024
H.02	SoCG Appendix 2 – Heritage Table	4 Nov 2024
H.03	Positions on unified/split decision	15 Nov 2024
H.04	AVRs Rev. R01	12 Dec 2023
H.05	Appellant's Statement of Case	Dec 2023
H.06	Appellant's Heritage Statement of Case	Dec 2023
H.07	LPA's Statement of Case	Jun 2024
H.08	Appellant's Rebuttal to LPA SoC	Jul 2024
H.09	Extent of Shopfront Works Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0732 Rev. P3)	18 Nov 2024
H.10	Extent of Shopfront Works Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0733 Rev. P3)	18 Nov 2024
H.11	Extent of Shopfront Works Coventry Street (CCL-ZZ-ZZ-DR-A-0731 Rev. P3)	18 Nov 2024
Application Materials		
H.12	Application Form (FUL and LBC)	24 Mar 2023
H.13	Application Form (ADV)	24 Mar 2023
H.14	Advertising Safety Guidance Form	Nov. 2022
H.15	CIL Form (FUL)	24 Mar 2023
H.16	Covering Letter	24 Mar 2023
H.17	Design and Access Statement	24 Mar 2023
H.18	Existing Adverts South Elevation (083-A-17-01 Rev. B)	15 Feb 2018
H.19	Existing Adverts West Elevation (083-A-17-02 Rev. B)	15 Feb 2018
H.20	Draft Construction Management Plan Rev. 01	23 Mar 2023
H.21	Draft S106 Heads of Terms	Mar 2023
H.22	Energy Assessment Rev. B	Mar 2023
H.23	Heritage Statement	Mar 2023
H.24	Planning Statement	Mar 2023
H.25	Statement of Community Involvement	Mar 2023
H.26	Structural Feasibility Report Ver. P3	14 Dec 2022
LPA Decision Documents		
H.27	Decision Notice (ADV)	13 Oct 2023
H.28	Delegated Report (ADV)	13 Oct 2023
H.29	Decision Notice (LBC)	13 Oct 2023
H.30	Delegated Report (LBC)	13 Oct 2023
H.31	Decision Notice (FUL)	13 Oct 2023
H.32	Delegated Report (FUL)	13 Oct 2023
Drawings		
H.33	Existing Elevation Coventry Street (CCL-ZZ-ZZ-DR-A-0720 Rev. P1)	8 Mar 2023
H.34	Proposed Elevation Coventry Street (CCL-ZZ-ZZ-DR-A-0725 Rev. P1)	8 Mar 2023
H.35	Existing Elevation Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0721 Rev. P1)	8 Mar 2023
H.36	Proposed Elevation Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0726 Rev. P1)	8 Mar 2023
H.37	Existing Roof Plan (CCL-ZZ-R1-DR-A-0705 Rev. P1)	8 Mar 2023
H.38	Proposed Roof Plan (CCL-ZZ-R1-DR-A-0706 Rev. P1)	8 Mar 2023
H.39	Existing Sections (CCL-ZZ-ZZ-DR-A-0710 Rev. P1)	8 Mar 2023
H.40	Proposed Sections (CCL-ZZ-ZZ-DR-A-0715 Rev. P1)	8 Mar 2023
H.41	Existing Shopfront Elevations (CCL-ZZ-ZZ-DR-A-0730 Rev. P1)	8 Mar 2023
H.42	Proposed Shopfront Elevations (CCL-ZZ-ZZ-DR-A-0731 Rev. P1)	8 Mar 2022

Ref.	Document	Dated
H.43	Site Location Plan – Criterion Capital (0018-CCL-ZZ-ZZ-DR-A-0703 Rev. P1)	9 Mar 2023
H.44	Site Plan (0018-CCL-ZZ-ZZ-DR-A-0702 Rev. P2)	20 Mar 2023
H.45	Technical Drawing 1 Structure Diagram (E10-01 Rev. V1)	8 Nov 2022
H.46	Technical Drawing 2 Structure Diagram (E10-02 Rev. V1)	8 Nov 2022
Planning decisions including appeals		
H.47	ADV Consent - Shaftesbury Fountain ref. 24-02032-COADV	23 May 2024
H.48	ADV Delegated Report - Shaftesbury Fountain ref. 24-02032-COADV	23 May 2024
H.49	Westminster Invitation to Bid for Advertising Opportunity	2 Aug 2024
H.50.A	Appeal Decision - Pavilion (1992) ref. 807991	13 Apr 1992
H.50.B	Appeal Decision - 22 Coventry Street (1997) ref. 893513	26 Nov 1997
H.51	Appeal Decision - Pavilion (2010) ref. 2130395	18 Oct 2010
H.52	Appeal Decision - Pavilion (2023) ref. 3309941	3 Apr 2023
Development Plan Policies		
H.53	London Plan Policy HC1	Mar 2021
H.54	Westminster City Plan Policy 2	Apr 2021
H.55	Westminster City Plan Policy 38	Apr 2021
H.56	Westminster City Plan Policy 39	Apr 2021
H.57	Westminster City Plan Policy 40	Apr 2021
H.58	Westminster City Plan Policy 43	Apr 2021
Guidance Documents		
H.59	NPPF	Dec 2023
H.60	Soho Conservation Area Audit	Dec 2004
H.61	St James Conservation Area Audit	Nov 2002
H.62	Regent Street Conservation Area Mini Guide	May 2004
H.63	Regent Street Conservation Area Directory	May 2004
H.64	St James Conservation Area Mini Guide	May 2004
H.65	Haymarket Conservation Area Mini Guide	May 2004
H.66	HE Guidance - The setting of Heritage Assets	Dec 2017
H.67	HE listing - 18-20 Coventry Street	Dec 1987
H.68	HE listing - 24-36 Lower Regent Street	Nov 1973; Dec 1987
H.69	HE listing - 27-37 Lower Regent Street	May 1972; Dec 1987
H.70	HE listing - Criterion Theatre and Restaurant	Feb 1970
H.71	HE listing - London Pavilion	Oct 1978
H.72	HE listing - Piccadilly Circus Underground Station	Mar 1984; Sep 2014
H.73	HE listing - Shaftesbury Memorial Fountain Eros	Feb 1958
H.74	HE listing - The County Fire Office - 50 Regent Street	May 1972
H.75	HE listing - The Quadrant 9-18 Picadilly	May 1972
H.76	HE listing - The Quadrant 52-100 Regent Street, 14-18 Quadrant Arcade	May 1972
H.77	HE listing - Trocadero	May 1986
Statutory and Public Representations		
H.78	Soho Society Representations (application stage)	5 Jun 2023
H.79	Soho Society Representation (appeal stage)	22 May 2024
H.80	Land Securities Representation Letter (application stage)	2023
H.81	Land Securities Rep. Heritage Assessment (application stage)	Jul 2023
H.82	Land Securities Written Response to Appellant's Statement of Case	14 Jun 2024
H.83	HE Representation Letter (application stage)	9 Oct 2023
Case Law		
H.84	*Safe Rottingdean Limited v. Brighton and Hove City Council* [2019] EWHC 2632 (admin)	2019

Ref.	Document	Dated
H.85	Pugh v Secretary of State [2015] EWHC 3	2015
H.86	Barnwell Manor Wind Energy v East Northamptonshire DC [2014] EWCA Civ 137	2014
H.87	Palmer vs Herefordshire CC [2016] EWCA Civ 101	2016
H.88	Jones v Mordue [2015] EWCA civ 1243	2015
H.89	*Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin)	2013
H.90	*City & Country Bramshill Ltd v SSHCLG* [2021] EWCA Civ 320	2021
H.91	*Juden v Tower Hamlets LBC* [2021] EWHC 1368	2021
H.92	*London Historic Parks and Gardens Trust v Minister of State for Housing* [2022] EWHC 829 (Admin)	2022
Documents Added Post Circulation		
H.AA	ADV Delegated Report- London Pavilion Ref: 24/06526/ADV	28 Oct 2024
H.AB	ADV Decision Notice – London Pavilion Ref: 24/06526/ADV	25 Oct 2024
H.AC	H.AC - Historic England Advice Note 12- Statements of Heritage Significance	2019
H.AD	H.AD Planning Practice Guidance – Historic Environment	2019
H.AE	Site Visit Plan and Itinerary v.2	27 Nov 2024
Documents added post Hearing		
H.93	Agreed draft conditions	29 Nov 2024
H.94	Code of Conduct (Amended)	29 Nov 2024
H.95	Code of Construction Practice	Feb 2022
H.96	s.106 Unilateral Undertaking	3 Dec 2024
H.97	Site and surrounding area map	4 Dec 2024

SCHEDULES OF CONDITIONS

Appeal A – Planning Permission

1. The development hereby permitted shall commence within 3 years of this permission.

2. The development hereby permitted shall be carried out in accordance with the following drawings:

   - Site Plan (0018-CCL-ZZ-ZZ-DR-A-0702 Rev. P2)
   - Site Location Plan – Criterion Capital (0018-CCL-ZZ-ZZ-DR-A-0703 Rev. P1)
   - Proposed Elevation Coventry Street (CCL-ZZ-ZZ-DR-A-0725 Rev. P1)
   - Proposed Elevation Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0726 Rev. P1)
   - Proposed Roof Plan (CCL-ZZ-R1-DR-A-0706 Rev. P1)
   - Proposed Sections (CCL-ZZ-ZZ-DR-A-0715 Rev. P1)
   - Proposed Shopfront Elevations (CCL-ZZ-ZZ-DR-A-0731 Rev. P1)
   - Extent of Shopfront Works Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0732 Rev. P3)
   - Extent of Shopfront Works Shaftesbury Avenue (CCL-ZZ-ZZ-DR-A-0733 Rev. P3)
   - Extent of Shopfront Works Coventry Street (CCL-ZZ-ZZ-DR-A-0731 Rev. P3)
   - Technical Drawing 1 Structure Diagram (E10-01 Rev. V1)
   - Technical Drawing 2 Structure Diagram (E10-02 Rev. V1)

3. Prior to commencement of development, you must apply to the Local Planning Authority for approval of detailed drawings at 1:5 and 1:20 of the new shopfronts to London Pavilion and Trocadero.

4. Prior to commencement of development, you must apply to the Local Planning Authority for approval of samples of materials for the shopfront works.

5. Prior to the commencement of development, you must apply to the Local Planning Authority for approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the Council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the development cannot take place until the Local Planning Authority has issued its written approval.

6. The Building Maintenance Unit must remain in its storage position as shown on the proposed roof plan (CCL-ZZ-R1-DR-A-0706 Rev P1) at all times except between the hours of 03:00 and 06:00 daily unless its use outside the hours of 03:00 and 06:00 daily is approved in writing by the Local Planning Authority.

7. In the event that the advertisements are to be removed, six months prior to the removal of the advertisements, you must apply to the Local Planning Authority for approval a Decommissioning Method Statement for the screens

and Building Maintenance Unit, including how and when you will manage access to the site for the purposes of removal.

Appeal B – Listed Building Consent

1. The works authorised by this consent shall commence not later than 3 years from the date of this consent.

2. Prior to commencement of development, you must apply to the Local Planning Authority for approval of a Structural Report. The Report must confirm the ability of the building to support the proposed screens and that the proposed screen support structure will not come into contact with the historic fabric of the external façade.

3. Prior to commencement of development, you must apply to the Local Planning Authority for approval of detailed drawings at 1:5 and 1:20 of the new shopfronts to London Pavilion and Trocadero.

4. Prior to commencement of development, you must apply to the Local Planning Authority for approval of samples of materials for the shopfront works.

5. Prior to removal of any windows at first floor and above, you must apply to the Local Planning Authority for approval a Survey Report on the design, dimensions, and characteristics of the existing windows to be removed.

6. The Building Maintenance Unit must remain in its storage position as shown on the proposed roof plan (CCL-ZZ-R1-DR-A-0706 Rev P1) at all times except between the hours of 03:00 and 06:00 daily unless its use outside the hours of 03:00 and 06:00 daily is approved in writing by the Local Planning Authority.

7. All externally visible components of the Building Maintenance Unit and the screens and their support structures must be removed from the building within 90 days in the event that the advertisements are removed.

8. All external windows must be reinstated with the same windows or like-for-like replacement windows within 90 days in the event that the advertisements are removed.

9. In the event that the advertisements are to be removed, six months prior to the removal of the advertisements, you must submit to the Local Planning Authority for approval a Decommissioning Method Statement for the screens and Building Maintenance Unit, including how and when you will manage access to the site for the purposes of removal.

Appeal C – Advertisement Consent

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2. No advertisement shall be sited or displayed so as to –
   a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

6. The screens shall not be used for the display of advertisements and other content until a Code of Conduct has been submitted to the Local Planning Authority and approved in writing. The Code of Conduct should include details of the following:

a. Technical
b. Screen Luminance
c. Visual Style (including a patchwork approach to the display)
d. Live and Interactive Content
e. Content Monitoring
f. Events
g. Public Interest Content
h. Code of Conduct and Pavilion Lights Advertisers, Agencies and Service Providers

The Code of Conduct must be adhered to at all times.

[End of Conditions]