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| Delegated Report | | Analysis sheet | | Expiry Date: | | 03/02/2025 | |
| | | N/A | | Consultation | | | |
| | | | | Expiry Date: | | | |
| Officer | | | | Application Number | | | |
| Geri Gohin | | | | 2024/5492/A | | | |
| Application Address | | | | Drawing Numbers | | | |
| Bus Stop Shelter Outside 117 Kingsway London WC2B 6PP | | | | Refer to draft decision notice | | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | | | |
| | | | | | | | |
| Proposal | | | | | | | |
| Display of double-sided digital LCD screens to existing bus shelter structure no. 0107/0069. | | | | | | | |
| Recommendation: | | Refuse Advertisement Consent | | | | | |
| Application Type: | | Advertisement Consent | | | | | |

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|--|--|-----------|------------------|-----------|-------------------|-----------|
| Reason(s) for refusal: | Refer to Draft Decision Notice | | | | | |
| Consultations | | | | | | |
| Adjoining occupiers and/or local groups: | No. notified | 00 | No. of responses | 01 | No. of objections | 01 |
| Summary of consultation responses: | An objection was received from a resident living in Great Russell Street. <i>'I object to further assault on my senses while waiting for a bus. The proposal is aggressively intrusive and no doubt the first of many from the applicants who control vast swathes of advertising in our streets.'</i> | | | | | |
| Site Description | | | | | | |
| The site is an existing bus shelter located on the footway adjacent to Beacon House, 117 Kingsway within the Kingsway Conservation Area. The nearest junction/traffic lights are approximately 70m north (in front) of the screen. | | | | | | |
| Relevant History | | | | | | |
| <u>Site history:</u> | | | | | | |
| Bus Shelter Outside 117 Kingsway 2011/2607/A - Display of an internally illuminated advertising panel comprising 6 sheet sequential poster on side of bus shelter. <u>Refused 19/07/2011</u> | | | | | | |
| 2015/5203/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0069. <u>Refused 22/01/2016 and appeal dismissed 03/06/2016</u> | | | | | | |
| <u>Conclusion of the appeal decision</u> <u>'Notwithstanding the finding on highway safety, the identified harm in respect of the visual amenity of the area is a compelling and overriding consideration in this case.'</u> | | | | | | |

Bus Stop outside Beacon House ref 0107/0069, Kingsway

2022/3905/A - Display of single freestanding Forum Structure, featuring Digital 86" screen on both sides. Refused 25/04/2023

Nearby sites:

Bus Passenger Shelter No. 8743 east side Kingsway, WC1 o/s Africa House

AD236 - Display of one 'four sheet' non illuminated poster panel approx. 40" (1m) x 60" (1.5m) to be incorporated into one of the central panels of the existing London Transport Bus Shelter.
Permission 26/02/1976

Bus Passenger Shelter No. 26425, East side Kingsway, o/s entrance to Twyfold Place, WC1

AD237 - Display of one 'four sheet' non-illuminated poster panel approx 40" (1m) x 60" (1.5m) to be incorporated into the centre panel of the existing London Transport Bus Shelter.
Permission 26/02/1976

Bus Passenger Shelter No. 455, West Side Kingsway, WC1 O/S Holy Trinity Church & No. 123

AD238 – Display of one 'four sheet' non-illuminated poster panel approx. 40" (1m) x 60" (1.5m) to be incorporated into centre panel of the existing London Transport Bus Shelter.
Permission 26/02/1976

Bus passenger shelter, No. 20908, West side Kingsway, WC1 O/S No. 119

AD239 - Display of one 'four sheet' non-illuminated poster panel approx. 40" (1m) x 60" (1.5m) to be incorporated into centre panel of existing London Transport Bus Shelter. Permission 26/02/1976

Kingsway, West side outside Holy Trinity Church, WC2.

AD1819 - The display of 2 x 4-sheet posters (60in x 40in) as an integral part of the bus shelter.
Permission 17/12/1981

Bus Stop No.26425: Kingsway fronting Twyford Place adjacent Africa House south bound.

AD2429 - The display of 2 x 4 sheet externally illuminated poster panels (60" x 40") forming an integral part of a bus shelter. Permission 28/12/1983

Bus Stop No.8743: Kingsway adjacent No.80 south of Gate Street at Holborn Station, south bound.

AD2430 - The display of 2 x 4 sheet externally illuminated poster panels (60" x 40") forming an integral part of a bus shelter. Permission 28/12/1983

Bus Stop Outside 125 Kingsway WC2

ASX0204633 - Retention of two internally illuminated poster panels as part of the bus shelter. Refused and prosecute 12/08/2002
Appeal dismissed 26/11/2002

Bus Shelter outside Aviation House, 125 - 129 Kingsway, WC2B 6NH

2011/2649/A - Display of a two-sided internally illuminated advertising panel on side of bus shelter. Refused 19/07/2011.

Bus Shelter Outside Africa House, 64 - 78 Kingsway, WC2B 6AH

2011/2650/A - Display of a two-sided internally illuminated advertising panel on side of bus shelter. Refused 19/07/2011

Bus Shelter outside Aviation House, 125-129 Kingsway, WC2B 6NH

2015/5202/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0098. Refused 22/01/2016 & Appeal Dismissed 06/06/2016

Bus Shelter outside Africa House, 70 Kingsway, WC2B 6AH

2015/5365/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0071. Refused 22/01/2016 & Appeal Dismissed 06/06/2016

Bus Shelter outside Africa House, 70 Kingsway, WC2B 6AH

2015/5365/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0071. Refused 22/01/2016 & Appeal Dismissed 06/06/2016

Bus Stop outside Africa House ref 0107/0071, Kingsway

2022/3906/A - Display of single freestanding Forum Structure, featuring Digital 86" screen on both sides.
Refused 25/04/2023

Bus Shelter Outside 125 Kingsway, WC2B 6NH

2024/5493/A - Display of double-sided digital LCD screens to existing bus shelter structure no. 0107/0098. Recommended to be Refused

Recent appeal history:

There is vast appeal history for similar types of applications on free-standing structures in Camden (such as, bus shelters, telephone kiosks, hubs, etc.) where the Council's concerns about the detrimental impact of digital advertising screens in particular site contexts have been supported in the main by the Planning Inspectorate, as evidenced by the weight of appeals dismissed over a significant period of time.

While the Council has been mindful throughout the application process of the need to assess the proposal on its own individual merits, taking into account any matters pertinent to the proposals in accordance with all relevant policy and guidance, all relevant appeal history has also been taken into consideration.

Relevant policies

National Planning Policy Framework 2024

Sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment)

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

C5 Safety and Security

C6 Access

D1 Design

D2 Heritage

D4 Advertisements

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG Advertisements 2018 – paragraphs 1.1 to 1.15 (General guidance and advertising on street furniture); and 1.34 to 1.38 (Digital advertisements)

CPG Amenity 2021 - chapter 4 (Artificial light)

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)

Kingsway Conservation Area Statement (adopted 2001)

Camden Streetscape Design Manual

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

Pedestrian Comfort Guidance for London (commissioned by Transport for London) 2010

Assessment

1.0 Proposal

1.1 Advertisement consent is sought for the display of a double-sided, internally illuminated, LCD digital screen on an existing bus shelter structure (see typical Image 1 below). The application replaces an existing paper back-lit advertisement facing inwards and outwards (see Images 2 and 3 below).



Image 1 – typical inward facing LCD digital screen



Images 2 & 3 – Photographs of existing inwards and outwards facing paper back-lit advertisements

- 1.2** The digital panel specification indicates that the screen would measure 1.34m wide x 2.10m high with a visible display area of 2.1m². The screen would sit under the glass canopy of the bus shelter. The advertisement would have a sequential display with images that would automatically change every 10 seconds. The intensity of the illumination of the proposed digital sign would not exceed 2500 cd/m² during the day and 300 cd/m² during the hours of darkness. The levels of luminance on the digital sign would be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits. The advertisement would change sequentially at a rate of one advert every ten seconds and the changeover between adverts would take place instantaneously.

1.3 During the course of the application, the Council expressed concern in regard to the proposed display of a digital screen at this particular location given the site context and the harmful impact of the proposal in visual amenity. The applicant was given the opportunity to withdraw the application in order to avoid a likely refusal as amendments to the proposal were not considered likely to overcome Council concerns such that advertisement consent could be granted. The applicant wishes to proceed with the application.

2.0 Assessment

2.1 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.

2.2 Therefore, the principal considerations material to the determination of this application are:

- visual amenity – the design and impact of the proposal on the character and appearance of the adjacent listed building settings (Africa House opposite and next to Holy Trinity Church), wider streetscene and Kingsway Conservation Area; and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and
- transport and public safety – the impact of the proposal on highway, pedestrian and cyclist's safety.

3.0 Visual amenity

3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings.

3.2 Local Plan Policy D2 (Heritage) states in paragraph 7.46 that the Council will '*only grant planning permission for development in Camden's conservation areas that preserves or enhances the special character or appearance of the area.*' The Kingsway Conservation Area Statement supports this when stating that its designation as a conservation area, '*provides the basis for policies designed to preserve or enhance the special interest of such an area.*'

3.3 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 an area. In particular, Advertisements in conservation areas and on or near listed buildings and their settings require particularly detailed consideration given the sensitivity and historic nature of these areas, buildings or settings. More specifically, '*free standing signs and signs on street furniture will not normally be accepted where they contribute to visual and physical clutter.*' (paragraph 7.84)

3.4 The application site is an existing bus shelter located on the footway adjacent to Beacon House, 117 Kingsway (see Image 4 below). As mentioned in the above site description, the site is located within Kingsway conservation area, in front of Beacon House and Craven House which, although not listed, are identified in the Conservation Area statement as buildings which make a positive contribution to the character and appearance of the Conservation Area. The site is also located opposite Africa House, and next to Holy Trinity Church, grade II listed buildings (see Image 5 below).



Image 4 – views of application site from Google Map (August 2024) on Kingsway (in front of Beacon House and Craven House)



Image 5 – views of application site on Kingsway (with the grade II Listed Building Africa House opposite)

- 3.5 Whilst the road is busy and heavily trafficked, it is notable that the immediate area is characterised by a general absence of illuminated signage and with no digital signs.
- 3.6 While it is noted that the proposed digital screen would replace an existing paper back-lit panel (inwards and outwards), CPG (Advertisements) recognises in Paragraph 1.38 that digital advertisements in particular 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 signs include locations *'where the advertisement could become the most prominent feature of the street scene.'*
- 3.7 In this particular context, especially given the general absence of digital or illuminated signage in the area, the introduction of a proposed illuminated digital screen would appear particularly prominent and out of character within the locality, standing out as a strident and intrusive example of unnecessary and inappropriate visual clutter, discordant within the visual amenity of the area. This is particularly the case, given the existing forward position of the bus shelter next to the road. It would have a heightened presence in the locality, appearing as a dominant and incongruous illuminated display, detrimental to the visual amenity of the streetscene and wider Kingsway Conservation Area in which it is located.
- 3.8 In respect of this particular site, it is noted that the Planning Inspector in Paragraphs 10 and 11 of the appeal decision dated 3rd June 2016 (Ref: APP/X5210/Z/16/3146810 – see Appendix A) in relation to a proposed double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse, expressed the view that *'despite the busy nature of the area, the proposed advertisement would feature in the foreground in certain street level views of Beacon House and Craven House. Owing to the size and illumination of the advertisement, it would be prominent in such views, drawing attention away and unduly detracting from the character and appearance of the buildings.'* The Inspector goes on further by stating *'the proposed forum structure would occupy a prominent forward position. It would appear as a strident and discordant feature in an area that is relatively devoid of such advertisements. It would constitute an element of visual clutter, undermining one of the positive attributes of the CA. As a consequence, the appeal proposal would cause harm to the visual amenity of the immediate locality and wider area.'* (please see the above site history). The application is recommended for refusal for similar reasons.
- 3.9 The character of the area hasn't changed significantly since the appeal decision was dismissed (June 2016). As mentioned above in 3.5, the area is characterised by a general absence of illuminated signage and with no digital signs.

- 3.10** Additionally, the proposed digital screen would appear prominent in longer views along Kingsway. This would allow clear and open views towards the illuminated screen from a considerable distance with no other features that would mitigate its impact (see Images 2, 3, 4 and 5 above). Being prominent in these longer views along Kingsway, the proposed advertisement would, therefore, also appear as an insensitive and visually intrusive addition within the setting of the Kingsway Conservation Area in which it is located and would contribute to an erosion of the amenity of the area, as well as, to its character and appearance.
- 3.11** Camden Planning Guidance (Advertisements) states that *'free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway'* (paragraph 1.12). The proposal is therefore unacceptable on this basis given the degree of visual clutter that it would introduce into the locality for the reasons stated above.
- 3.12** 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 is not considered to mitigate against the adverse impact of such a screen which would be particularly conspicuous and eye-catching given its site context.
- 3.13** In this regard, it is noted in 4 appeals dismissed on 22nd May 2018 for illuminated digital advertisement displays on freestanding structures (see Appendix B: 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 while the luminance levels and rate of image transition could be controlled by condition, the appeal proposals would nevertheless create isolated and discordant features. In each case, the display of a sequential series of static digital images was considered to have a harmful effect upon visual amenity.
- 3.14** Overall therefore, the proposed advertisement, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harm to the visual amenity of the streetscene, failing to preserve the character and appearance of the Kingsway Conservation Area in which it is located, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.
- 3.15** On that basis, therefore, the proposal is recommended for refusal on visual amenity grounds.

Considerable importance and weight has been attached to the desirability of preserving or enhancing the character or appearance of the Kingsway Conservation Area and adjacent listed building settings, under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Planning balance

- 3.16** The NPPF states in Paragraph 204 (Chapter 16, 'Conserving and enhancing the historic environment') that *'when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'*.

- 3.17** In light of the above, it is considered that the proposal amounts to '*less than substantial harm*' of the non-designated heritage asset and the Council can see no public benefit that outweighs the harm.
- 3.18** Overall, therefore, the alterations do not accord with Chapter 16 of the NPPF which seeks to preserve and enhance heritage assets, and the proposal is considered on balance to be unacceptable in visual amenity terms and recommended for refusal on that basis.
- 3.19** Notwithstanding the above, should the application be approved, appropriate conditions would need to be attached to any consent to control the size of the display area, brightness, frequency of the displays, prevent any moving images, etc. (see Appendix C for suggested conditions).

Residential Amenity

- 3.20** Local Plan Policy A1 (Managing the impact of development) and Camden Planning Guidance (Amenity) seek to protect the amenity of Camden's residents by only granting consent for proposals 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.
- 3.21** CPG (Amenity) also advises that artificial lighting can be damaging to the environment and result in visual nuisance by having a detrimental impact on the quality of life of neighbouring residents, that nuisance can occur due to light spillage and glare which can also significantly change the character of the locality.
- 3.22** Given the orientation of the proposed screen in relation to any neighbouring windows, the relative distance between them both, as well as, the higher level, set-back position of windows, the proposal is not considered to be detrimental to the residential amenity in terms of light pollution or outlook.

4.0 Transport and public safety

- 4.1** Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users.
- 4.2** Policy D4 of the Local Plan states that advertisements will not be considered acceptable where they impact adversely upon public safety, including where they distract road users because of their unusual nature. CPG (Transport) also seeks to ensure that there is not any adverse impact on the highway network, the public footway and crossover points.
- 4.3** CPG (Advertisements) states that '*free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway*'. This is supported by Transport for London (TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles*.'
- 4.4** The proposed display would be visible from some distance on Kingsway when approaching the application site, and as such, would allow time for the proposed screen to be seen and noted by drivers without causing visual disturbance on the approach to the junctions. Additionally, it is also noted that the proposed location of the digital advertisement screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, nor would it introduce any undue

distraction or hazard in public safety terms.

- 4.5** The proposal therefore is not considered to be harmful to either pedestrian or vehicular traffic and does not raise any public safety concerns.

5.0 Recommendation

- 5.1** The proposed advertisement, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harmful visual clutter, detrimental to the character and appearance of the Kingsway Conservation Area in which it is located, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.

List of Appendices

Appendix A: Planning appeal decision 3146810 – dismissed dated 03/06/2016

Appendix B: List of recent planning appeal decisions (x4 in total) – all x4 planning & advertisement consent appeals dismissed dated 22/05/2018

Appendix C: Suggested conditions