

23<sup>rd</sup> January 2023

## Out of Home

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**The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN**

Dear Sir Madam,

## **Town and Country Planning Act 1990**

### **Town and Country Planning (Control of Advertisements) (England)**

### **Regulations 2007**

#### **Bus Shelter 0107.0301 O/S 173-177 Euston Road London NW1 2BJ**

Please find enclosed completed appeal papers submitted under the provisions of Regulation 17 of the above Regulations and s78 of the above Act, as amended by part 3 Schedule 4 of the 2007 Regulations.

The appeal is submitted on behalf of our client Transport for London (TfL) and relates to an existing advertised bus shelter at the above location. The proposal seeks consent to replace the advertising display, which currently comprises an illuminated sequential display on the internal face and an illuminated static display on the outward facing façade of the shelter to double sided illuminated sequential display on both facades. The advertisement display is freestanding but an integral part of the bus shelter structure and would be located in the same position and be of the same dimensions as the existing advertisements.

The detail on the type of advertisement and the London Landmark bus shelter is contained within the documentation submitted to the Local Planning Authority's (LPA) and enclosed with this appeal, together with a copy of the LPA's decision notice. The appeal is submitted against the decision to refuse advertisement consent under LPA ref 2024/4909/A dated 22<sup>nd</sup> December 2024 and therefore the considerations are based upon the effect on the visual amenity of the area and its impact on public safety. The reasons for refusing consent are as follows;

“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 amenity of the listed building setting and wider streetscene, and fail to preserve the character and appearance of the Bloomsbury Conservation Area in which it is located,

contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.”

### **Background and Detail**

The proposal is part of a Transport for London programme and a commitment to continually improve the public transport provision in London. The ability to generate revenue through advertising is a key component of the delivery plans and all the income derived through advertising is reinvested in the network. The proposals relate to existing advertised bus shelter locations and seek to update the technology used to display the images from analogue printed format to LCD screens.

There are over 11,000 shelters operated by the Appellant across London and currently 210 feature double sided LCD screens and 310 have the same arrangement as the appeal site with a combination of single LCD screen on the internal face of the shelter and a printed display on the outside. Both sides are illuminated however the LCD screen enables images to be changed remotely and thus avoid the use of printed images and the need to manually change the advertisement every two weeks. This proposal is part of the programme to upgrade half of the existing single sided LCD to double sided and replace the analogue display with modern digital technology. The advertisements will continue to show commercial messages and operator service updates and in the event of an emergency, the Appellant can override the commercial messages in order to display important public notices and information.

### **The Requirement for Advertisement Consent**

The proposed advertisements form part of the bus shelter, the structure for which is a permitted development which does not require separate planning permission. The shelter unit has been specifically designed as a modern, accessible and functional structure that maintains a double sided vertical façade at a right angle to the kerb. Advertisement control in England is operated through the 2007 Regulations. The 2007 Regulations states that all advertisements, other than certain exempted classes, require consent before they can be lawfully displayed (**Reg. 4**). Consent may be granted expressly by the LPA or Secretary of State, or it may be granted by “deemed consent” by virtue of Regulation 6 of the 2007 Regulations. Class 9 deemed consent relates to advertisement displays on highway structures and would ordinarily permit this size of advertisement, save for condition 9(2) which prohibits illumination under this class. Deemed consent does not apply to this proposal and express consent is therefore required.

The 2007 Regulations create a separate self-contained code apart from mainstream planning controls. Regulation 3 states that;

- “1. A local planning authority shall exercise its powers under these Regulations in the interest of amenity and public safety, taking into account –
  - a) The provisions of the development plan, so far as they are material; and
  - b) Any other relevant factors
2. Without prejudice to the generality of paragraph (1) (b)-
  - a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
  - b) Factors relevant to public safety include-
    - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air”

In respect of amenity impact the 2007 Regulations require an assessment of the character of the local area, which includes an examination of the nature of the surrounding land uses and the existing built form. The existence of advertising in the area and indeed at the appeal site is a factor in the determination of an application and appeal but not a decisive one.

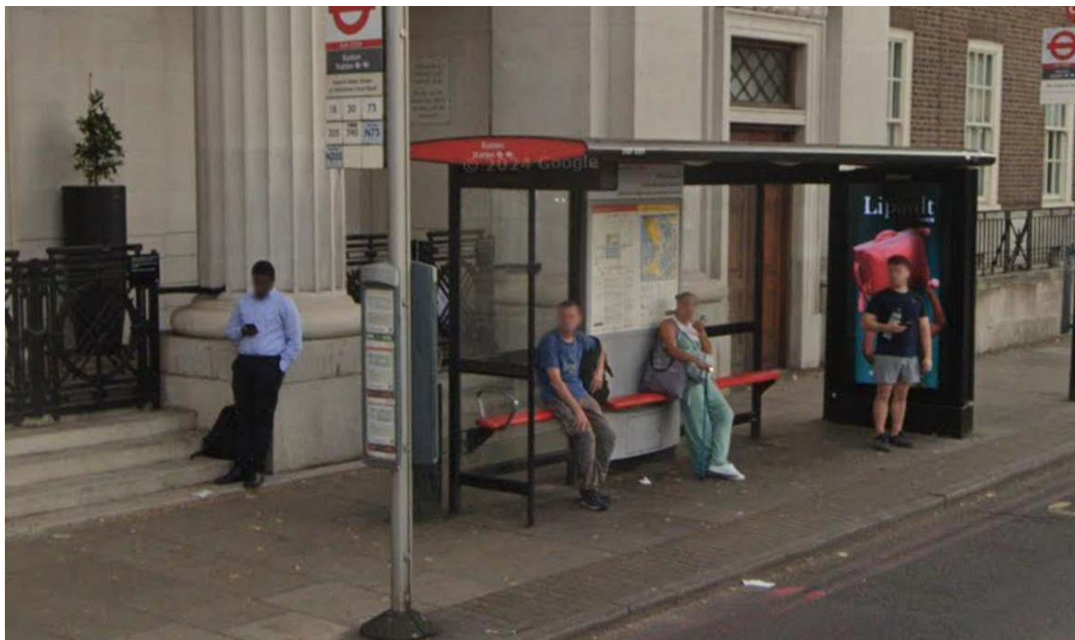
On matters of public safety, the primary consideration is the effect of an advertisement display on drivers and pedestrians upon seeing the advertisement in the particular location. It is accepted that roadside advertising is intended to be seen but this factor alone does not mean all roadside advertisements are a distraction. Advertising is often part of the fabric of main centres and busy transport routes where drivers have a degree of expectation of seeing commercial images and can adjust their driving accordingly. The appeal site is an established advertised shelter for more than 20 years and has not resulted in any adverse impact on public safety. The decision notice does not raise an objection on public safety grounds.

## The Appeal Site

The existing advertisements at the appeal site shelter comprises an LCD display on the inward face and an analogue printed advertisement on the outer face. Both are illuminated but only the internal displays is permitted with sequential change of image, as approved under LPA ref 2011/2655/A dated the 19<sup>th</sup> July 2011. A copy of the decision notice, application form and officer report are attached as Appendix JCD 1-3.



**EXISTING EXTERNAL FACE**



**EXISTING INTERNAL FACE**

This proposal seeks only to change the manner of display for the outer facing advertisement to a sequential display to match the internal screen and thus allow the automatic change of image or message being displayed. The lighting level of the advertisement would accord with the recommendations of the Institute of Lighting Professionals and adjusted to ambient lighting levels during the day and set to a maximum of 300Cdm<sup>2</sup> during the hours of darkness<sup>1</sup>.

### **Details of Advertisement**

The size of the proposed advertisement is equal to the industry standard “6 sheet” panel, which provides a display area of just under 2m<sup>2</sup>. This size of advertisement has long been considered an appropriate scale for the pedestrian environment and is typically found on street furniture in most Towns and Cities in the UK. The use of roadside digital technology is becoming an established alternative to the printed image and is increasingly commonplace across London. The advantages of this technology includes the unparalleled flexibility in display capability, the efficiency savings in operational costs and that it presents a more sustainable approach to waste creation and energy consumption. Investment in the latest technology reflects a forward-looking aspiration and general improvement over existing display methods.

The digital SmartScreen product incorporates Power Factor Correction (PFC) technology to maximize the efficiency of all power connections. The units are RoHS approved and completely devoid of hazardous materials making them easier to recycle at end of life in accordance with the WEEE directive (Europe) on the recycling of electrical and electronic waste. All advertisements across the network are powered using green energy<sup>2</sup>.

### **Planning Considerations**

The appeal relates to the display of an advertisement, as such the primary considerations relate to the likely impact of the advertisement display on visual amenity and public safety, as provided by the 2007 Regulations. In this case however the case is more narrowly defined to amenity impact as no safety issues have been raised or cited in the decision reasons.

### **Visual Amenity**

The application site is an existing advertised bus shelter on the south side of Euston Road, opposite Euston station. The site lies within a conservation area and

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<sup>1</sup> **Appendix B**

<sup>2</sup> **Appendix A**



the building to the immediate south of the shelter is statutorily Listed. The main consideration in respect of visual amenity, is, in light of the current arrangement, the effect of replacing the outer facing illuminated advertisement with an LCD screen capable of showing the same or slightly smaller, advertisements with the ability to automatically change the images being displayed. In the case of the inner facing display, the situation is unaltered from the current effect it has on the street and surroundings.

Policy guidance requires applicants to have regard to the general characteristics of the area and is generally supportive of advertising within commercial areas or alongside busy main routes where advertising can make a positive contribution to vitality without harm. The appeal site adjoins one of the busiest transports routes in this part of London, which is a well-lit and busy urban setting. Notwithstanding the heritage designation and proximity to a listed building, the shelter itself is a modern addition to the street and had for many years been used for the purpose of advertisement display.

The advertisement forms part of a modern well designed illuminated bus shelter structure and existing item of street furniture, therefore the replacement method of displays would not be seen as contributing to visual clutter as the change in manner would be negligible in visual terms, particularly with regard to the controlling effect of conditions to limit the level of luminance and switch off the displays between 1:00 and 6:00. Within the context of the appeal site, the proposed change in technology would represent a relatively minor alteration to the current appearance of the street that is considered to be visually neutral in impact.

In the consideration of the application in 2011 which permitted the internal screen the case officer assessment was as follows;<sup>3</sup>

*“ The site is the existing bus stop located on the south side of Euston Road within the Bloomsbury Conservation area and outside the Grade II Listed Friends House building. An application for the existing 2x internally illuminated posted panels was approved in 2006 (Ref: 2006/2515/P).*

*The previous assessing officer did not consider the proposal to have any negative impact on the setting of the Listed building or the Bloomsbury conservation area. There has been no material change in the proposal or policy since this previous approval, therefore in the interests of consistency the current application is also recommended for approval.*

## **Recommendation**

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<sup>3</sup> **Appendix JCD 2 Page 8**

*Grant Advertisement Consent.”*

Given the history at the appeal site and the character of the Euston Road, with continually passing pedestrians and traffic, it is considered a suitable location for this type of sequential display. The advertisement display would not be materially harmful to the surroundings and would appear in scale with design of the shelter.

## **Grounds of Appeal**

The impact of the change in the manner of display at the appeal site, if approved and subject to the suggested conditions<sup>4</sup>, would have a negligible impact visual amenity and result in less than substantial harm to the character of the conservation area or other heritage asset.

Accordingly, the Inspector is respectfully requested to uphold this appeal and grant consent for the development applied for.

Yours sincerely,



**Martin Stephens** BA(hons) Dip TP MRTPI

**Director of Planning**

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## <sup>4</sup> **Appendix B**