

|   |                            |                              |                                     |                                |  |                   |  |
|---|----------------------------|------------------------------|-------------------------------------|--------------------------------|--|-------------------|--|
| <b>Delegated Report</b>   |                            | <b>Analysis sheet</b>        |                                     | <b>Expiry Date:</b>            |  | <b>26/03/2025</b> |  |
|   |                            | N/A                          |                                     | <b>Consultation</b>            |  |                   |  |
|   |                            |                              |                                     | <b>Expiry Date:</b>            |  |                   |  |
| <b>Officer</b>  |                            |                              |                                     | <b>Application Number</b>      |  |                   |  |
| Geri Gohin  |                            |                              |                                     | 2025/0409/A                    |  |                   |  |
| <b>Application Address</b>  |                            |                              |                                     | <b>Drawing Numbers</b>         |  |                   |  |
| Bus Stop Shelter Outside The Roundhouse<br>100 Chalk Farm Road London NW1 8AP   |                            |                              |                                     | Refer to draft decision notice |  |                   |  |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>              | <b>Authorised Officer Signature</b> |                                |  |                   |  |
|   |                            |                              |                                     |                                |  |                   |  |
| <b>Proposal</b>   |                            |                              |                                     |                                |  |                   |  |
| Display of a double sided, internally illuminated digital screen to the existing bus shelter structure no. 0107/0170. |                            |                              |                                     |                                |  |                   |  |
| <b>Recommendation:</b>  |                            | Refuse Advertisement Consent |                                     |                                |  |                   |  |
| <b>Application Type:</b>  |                            | Advertisement Consent        |                                     |                                |  |                   |  |

|   |              |                                |                  |    |                   |    |  |
|---|--------------|--------------------------------|------------------|----|-------------------|----|--|
| <b>Reason(s) for refusal:</b>   |              | Refer to Draft Decision Notice |                  |    |                   |    |  |
| <b>Consultations</b>  |              |                                |                  |    |                   |    |  |
| <b>Adjoining occupiers and/or local groups:</b>   | No. notified | 00                             | No. of responses | 00 | No. of objections | 00 |  |
| <b>Site Description</b>   |              |                                |                  |    |                   |    |  |
| The site is an existing bus shelter located on a floating bus stop island, set within the carriageway, adjacent to Grade II* Listed Building of The Roundhouse and Grade II Listed drinking trough within the Regents Canal Conservation Area. The nearest junction is approximately 9m north (in front) of the screen at Belmont Street. The nearest residential units are approximately 13m opposite on the upper floors of 74 Chalk farm Road. |              |                                |                  |    |                   |    |  |
| <b>Relevant History</b>   |              |                                |                  |    |                   |    |  |
| <b><u>Site history:</u></b>   |              |                                |                  |    |                   |    |  |
| Bus Shelter outside 100A Chalk Farm Road  |              |                                |                  |    |                   |    |  |
| 2015/5363/A - Display of digital screen and non illuminated static poster panel to existing bus shelter no. 0107/0170. <u>Refused 22/01/2016 &amp; appeal Dismissed 06/06/2016</u>  |              |                                |                  |    |                   |    |  |
| <u>Conclusion of the appeal decision</u><br><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>   |              |                                |                  |    |                   |    |  |

**Nearby sites:**

Bus shelters sited at Adelaide Road (roughly opposite junction with Eton Road), Adelaide Road (outside 22 Brocus Close), Chalk Farm Road (outside Roundhouse), Haverstock Hill (outside Chalk Farm)

**8880535** - Display of 2 externally illuminated 4 sheet (40"x60") poster panels within bus shelters. Granted 01/03/1989

Outside Stables Market

**AE9700176** - The display of two internally illuminated poster panels (1760mm X 1160mm) on bus shelter. Refused 30/05/1997

O/S 52 Chalk Farm Road

**AE9900905** - Display of internally illuminated sign in bus shelter. Granted 23/05/2000

O/S The Stables Market, Chalk Farm Road

**2011/0814/A** - Display of scrolling 6 sheet advert panel on relocated bus shelter outside The Stables Market. Granted 14/04/2011

Bus Shelter outside Stables Market (opposite 23 Chalk Farm Road)

**2016/4467/A** - Installation of double-sided structure to existing bus shelter no. 0107/1074 to display 2x internally illuminated digital screens. Refused 24/01/2017 & appeal Dismissed 24/04/2017

Bus Stop, outside Chalk Farm Tube Station, Adelaide Road

**2017/0488/NEW** - Display of 2x internally illuminated digital screens to bus shelter no. CAM0035AB. Withdrawn 21/02/2017

Bus Shelter outside 26 Chalk Farm Road

**2017/0124/A** - Display of 2x internally illuminated digital screens to existing bus shelter structure no. CAM00050AB. Withdrawn 28/02/2017

Footway outside 26 Chalk Farm Road

**2022/0964/A** - Display of a double-sided, internally illuminated, digital screen to a new bus shelter structure. Withdrawn 20/05/2022

Bus shelter outside 86 Chalk Farm Road

**2022/1069/A** - Display of a double-sided, internally illuminated, digital screen to a new bus shelter structure. Withdrawn 20/10/2022

Footway outside 34 Chalk Farm Road

**2022/2197/A** - Display of a double-sided, internally illuminated, digital screen to a new bus shelter structure. Withdrawn 20/10/2022

**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.

Bus Stop Shelter Outside 173-177 Euston Road (See Appendix D)

**2024/4904/A** - Display of double-sided digital LCD screens to existing bus shelter structure no. 0107/0301. Refused 22/12/2024 & appeal Dismissed 26/03/2025

Conclusion of the appeal decision

'I therefore conclude that the proposed advertisement would have a harmful effect on the visual amenity of the area having regard to its location in relation to heritage assets.'

## 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)

#### **Regents Canal Conservation Area Statement (adopted 2008)**

#### **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 digital screen to the 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 2.1m<sup>2</sup>. 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/m<sup>2</sup> during the day and 300 cd/m<sup>2</sup> 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.

## Revisions

- 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 therefore advised 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.
- 1.4** In response, the applicant suggested amending the proposal from a double-sided digital screen to a single-sided, inward facing digital screen. However, revised drawings have not been provided, and the report considers the application as originally submitted.

## **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 grade II\* listed building and grade II listed drinking trough, wider streetscene and Regent's Canal 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) seeks to protect listed buildings such as the setting of these listed buildings, and weigh up the public benefits of a proposal, balancing the scale of any harm and the significance of the listed building. Paragraph 7.60 states that *'the setting of a listed building is of great importance and should not be harmed by unsympathetic neighbouring development. While the setting of a listed building may be limited to its immediate surroundings, it can often extend some distance from it.'*

**3.3** Local Plan Policy D2 (Heritage) also 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 Regents Canal 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.'*

**3.4** 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)

- 3.5** The application site is an existing bus shelter located on a floating bus stop island adjacent to grade II\* Listed Building of the Roundhouse and Grade II Listed drinking trough (see Images 4 and 5 below). The drinking trough is currently being covered up for protection whilst building works are taking place at 100 Chalk Farm Road. As mentioned in the above site description, the site is also located within Regents Canal Conservation Area. The Regents Canal Conservation Area Statement indicates that *'the Roundhouse is a major point of focus in architectural and townscape terms, and can also be seen from outside the conservation area on Regent's Park Road and Haverstock Hill.'*



Images 4 and 5 – photographs of application site with grade II\* listed building of the Roundhouse and grade II listed granite cattle drinking trough (currently covered up)

- 3.6 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. On the appeal decision (3146826) dated 6<sup>th</sup> June 2016, the inspector noted that *'on the opposite side of Chalk Farm Road, outside the CA, the buildings have commercial uses at ground floor level with associated fascia and other signage. The commercial properties on that side of the road starkly contrast with the austere brick boundary wall which runs to the rear of the appeal site and the office block located behind it. The two sides of the street are very different in character, as reflected by the delineation of the CA boundary.* (Paragraph 7.).
- 3.7 The character of the area hasn't changed significantly since the appeal decision was dismissed (June 2016).
- 3.8 While it is noted that the proposed digital screens would replace an existing paper back-lit panel (inwards), 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.'*
- 3.9 In this particular context, especially given the general absence of digital or illuminated signage in the immediate area, the introduction of proposed illuminated digital screens 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 listed building setting and area generally. 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 Regents Canal Conservation Area in which it is located.
- 3.10 In respect of this particular site, it is noted that the Planning Inspector in Paragraphs 8 and 11 of the appeal decision dated 6<sup>th</sup> June 2016 (Ref: APP/X5210/Z/16/3146826 – see Appendix E
- 3.11) 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 *'the bus shelter location stands forward of the boundary wall and the Roundhouse, occupying a prominent position in the street scene. Owing to the location, size and illumination of the advertisement it would appear as an unduly strident and conspicuous feature. It would constitute an element of visual clutter, undermining the characteristic plain nature of the neighbouring historic brick built development. As a consequence, the appeal proposal would cause harm to the visual amenity of the locality.'* The Inspector goes on further by stating *'the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. It would fail to preserve or enhance the character or appearance of the CA. It would also detract from the setting of the nearby listed Roundhouse and the adjacent cattle trough. The proposal would conflict with relevant policies and guidance.'* (please see the above site history). The application is recommended for refusal for similar reasons.
- 3.12 Additionally, the proposed digital screens would appear prominent in longer views from the east in Chalk Farm Road and from the west in Haverstock Hill. 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 4 and 5 above). Being prominent in these longer views along Chalk Farm Road, the proposed advertisement would, therefore, also appear as an insensitive and visually intrusive addition within the setting of the Regents Canal 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.



- 3.13** 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.
- 3.14** 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.
- 3.15** In this regard, it is noted in 4 appeals dismissed on 22<sup>nd</sup> May 2018 for illuminated digital advertisement displays on freestanding structures (see Appendix A: 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.
- 3.16** Very recently (6<sup>th</sup> March 2025), 2 more appeals were dismissed for the installation of 'Pulse Smart Hub' with integrated digital screens (see Appendix B: APP/X5210/W/24/3354421 and APP/X5210/H/24/3354422). The Planning Inspector commented in paragraph 10. that *'although the brightness of the screen could be controlled by condition, the overall visual effect of the proposed hub would be particularly noticeable and harmful in the hours of darkness.'*
- 3.17** Overall therefore, the proposed advertisements, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harmful, detrimental to the amenity of the listed building setting and wider streetscene, and fail to preserve the character and appearance of the Regents Canal Conservation Area in which it is located, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.
- 3.18** 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 Regents Canal Conservation Area and listed building setting, 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

- 3.19** The NPPF states in Paragraph 215 (Chapter 16, 'Conserving and enhancing the historic environment') that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 3.20** In light of the above, it is considered that the proposal amounts to *'less than substantial harm'* of the designated heritage asset and the Council can see no public benefit that outweighs the harm.
- 3.21** 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.

**3.22** 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

**3.23** 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.

**3.24** 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.

**3.25** 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 displays would be visible from some distance on Chalk Farm Road when approaching the application site from the east and Haverstock Hill when approaching from the west, 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 screens 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 advertisements, 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 setting of the Grade II\* listed The Roundhouse and Grade II listed drinking trough and the character and appearance of the Regent's Canal Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.

### **List of Appendices**

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

**Appendix B:** Planning appeal decision 3354421 & 3354422 – dismissed dated 06/03/2025

**Appendix C:** Suggested conditions

**Appendix D:** Planning appeal decision 3359412 – dismissed 26/03/2025

**Appendix E:** Planning appeal decision 3146826 – dismissed dated 06/06/2016