

**Delegated Report**

Expiry Date:

13/10/2016

**Officer**

Leela Muthoora

**Application Number(s)**

2016/2375/A

**Application Address**Bus shelter outside 30 Hampstead High Street  
London  
NW3 1QA**Application Type:**

Advertisement Consent

**1<sup>st</sup> Signature****2<sup>nd</sup> Signature  
(If refusal)****Conservation****Recommendation(s):**

Refuse Advertisement Consent

**Proposal(s)**

Installation of double-sided structure to existing bus shelter no. 0107/1050 for display of 2 internally illuminated digital screens.

## Consultations

3 residents and 4 local groups have all objected to the proposals.

### **23 Willoughby Road**

The proposal contradicts Camden planning policies and guidance and conservation area guidance which seeks to preserve the conservation area and avoid visual clutter. The bus shelter is directly in front of a Grade II listed building and would be a blight to the conservation area physically and visually.

### **Flat 4 Hampstead Hill Mansions**

The proposals contradict Camden planning policies and guidance and conservation area guidance which seeks to preserve the conservation area and avoid visual clutter. Internally illuminated screens for advertisement would add visual pollution to our conservation area and light pollution at night.

CPG1 states that advertisements on or near a listed building or conservation area must not harm their character and appearance DP24, DP25, CS14 as well as D4 of the emerging Local Plan states that we will resist advertisements that contribute to an unsightly proliferation of signage in the area or contribute to street clutter in the public realm. The bus shelter is placed in front of a Grade II listed building.

In addition, the buildings are noted in the Hampstead Conservation Area Statement as making a positive contribution to the Conservation Area. The bus shelter applications would have a detrimental impact on all of these significant edifices and on the historical character of our neighbourhood.

The increase of visual cluttering on our major traffic streets make our neighbourhood ugly, are intrusive and distract drivers' attention and cause greater hazards for pedestrians.

### **Summary of consultation responses:**

### **Address not provided**

The proposals contradict CPG1 ("Advertisements in conservation areas and on or near listed buildings), will be intrusive and result in visual and light pollution.

### **Hampstead Neighbourhood Forum**

On behalf of the Hampstead Neighbourhood Forum, I am writing to object to these three similar proposals to erect internally illuminated digital screens in the Hampstead Conservation Area outside numbers 30 Hampstead High Street, 68-69 Hampstead High Street and 64-66 Heath Street.

All three proposals are in direct contradiction of existing and proposed Camden planning policies, planning guidance and conservation area policies that seek to preserve the conservation area and avoid visual clutter.

The proposals are contrary to CPG1 ("Advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features."), DP24, DP25 and CS14 as well as D4 of the emerging Local Plan ("We will resist advertisements that c) contribute to an unsightly proliferation of signage in the area; . . . e) contribute to street clutter in the public realm, etc.).

Both of the bus shelters outside 30 Hampstead High Street and 66-68 Hampstead High Street are either directly in front of Grade II Listed buildings or buildings noted as heritage assets. It is important to note that Bus Stop Q, referred to in 2016/2373/A, is currently a very minimal stop with no shelter. The application is incorrect in this regard and shows in the drawing a shelter. A bus shelter for this minimally used stop would be inappropriate in this location, cause further

congestion on what is a very narrow strip of pavement.

30 Hampstead High Street a Grade II Listed building as are 70-71, 72, and 73-76. In addition, the buildings 65-69 Hampstead High Street and 64 Heath Street are noted in the Hampstead Conservation Area Statement as making a positive contribution to the Conservation Area. These three applications would have a detrimental impact on all of these important buildings.

### **Downshire Hill Residents Association**

As Chair of Downshire Hill Residents association we strongly object to the above signs due to light pollution and loss of residential amenity for homes living nearby. In many cases residential windows are just a few meters away.

We have found, through the example of commercial premises in Downshire Hill having TV screens as advertising displays inside their windows, just how disturbing these advertising boards can be at night.

They are often moving images which are even worse as they cause flickering on the adjacent buildings. We have managed to persuade commercial premises in Downshire Hill to turn them off at night at the end of working hours, which is OK but the intent here is to operate all night.

These panels are up to 2500Cdm<sup>2</sup> and even in their attached letter the application only says that light levels will be below 500 in the majority of bus stop displays without specifying which ones. This leaves them wide open to abuse with high flickering light levels all night. They then say for sensitive locations, such I presume as Hampstead, that they would restrict them further but how they would do this is unspecified. What they are asking for in their application is 2500 brightness on all locations with moving images. Must not be allowed.

We also contest that the street is suburban medium to high brightness which they state as justification for the brightness levels.

Allowing this will mean a constant flow of bright moving images on just about every bus stop both side of the street in Hampstead.

This should not be allowed. If information Boards are installed they can be small with no moving images and not as intrusive as these.

### **Heath and Hampstead Society**

These illuminated display panels are unnecessarily bright, garish, intrusive, and over-commercialised in our Conservation Area, where illuminated shop signs are prohibited by Article 4 Direction.

They would constitute light pollution on a multiple basis.

Most are located below premises which include residential accommodation at first floor and above, and would be invasive of residents' privacy during night-time hours. The panels' ever-changing flickering images would be especially unwelcome and intrusive.

We note that TfL write in support of them. They would, of course; they would benefit financially from the resulting rentals. Their support also includes statements: "...safer and more efficient deliveries..." What can this possibly mean? "...improving the environment...including air quality..." This is plain rubbish; an

illuminated sign could not possibly improve any environment, or affect air quality. Such meaningless statements devalue anything TfL may have to say.

We don't want such ugly, offensive things in our Conservation Area. Please refuse.

### **Hampstead Village Business Improvement District (BID)**

I am writing on behalf of the Hampstead Village Business Improvement District (BID), which represents 243 businesses in Hampstead Village. The BID's activities include working alongside Camden Council to improve the street scene in Hampstead Village and enhance the ambience of Hampstead Village.

We object to the following four proposals to erect internally illuminated digital screens on bus stops in Hampstead Village within the BID area.

The grounds for our objection are as follows:

1. The proposals are unsympathetic to the setting and will be detrimental to, and potentially harm, the character and appearance of the area, which is a Conservation Area containing many historic buildings including adjacent listed buildings: 70-71 Hampstead High Street (Grade II); 72 Hampstead High Street (Grade II); 73-76 Hampstead High Street (Grade II). The proposals are thus contrary to Camden Council Core Strategy CS14 Promoting High Quality Places and Conserving our Heritage and Camden Council Policy DP25 – Conserving Camden's Heritage.
2. We are concerned about the dominance and obtrusiveness of these advertisements. They would be garish and out of keeping with the character, setting and context of the public realm and townscape and the wider historic environment and buildings. The proposals are thus contrary to Camden Council Policy DP24 – Securing High Quality Design and Local Plan Submission Draft Policy D4 – Advertisements and the Camden Conservation Area Statement, which specifically notes that internally-illuminated box advertising signs are unacceptable.
3. The advertisements would contribute to visual and physical clutter and would be unsuitable and an unsightly addition to the street scene. The proposals are thus contrary to Camden Council Planning Guidance CPG 1 section 8 Advertisements, Signs and hoardings.

We urge you to recommend these planning applications for refusal.

(Bullet Points 4 and 5 are related to 2016/2373/A so not relevant to this report).

***Officer response: refer to sections 3 and 4 in the assessment below.***

### **Site Description**

The site is an existing bus shelter located on the footway in front of 29 and 30 Hampstead High Street which are Grade II listed buildings within the Hampstead Conservation Area. The nearest pedestrian crossing is approximately 40m south before the junction with Gayton Road. The nearest residential units are approximately 7m at the upper levels of no. 29-30 Hampstead High Street.

### **Relevant History**

**This site-**

**2015/5242/A** - Installation of double-sided structure to existing bus shelter no. 0107/1050 for display of digital screen and non-illuminated static poster panel. **Refused 22/01/2016**

Reasons for refusal: "The internally illuminated digital screen by reason of its location, size and design, would be unduly dominant and visually obtrusive in the street scene, failing to preserve and enhance the character and appearance of the Hampstead Conservation Area and harming the setting of the adjacent Grade II Listed Buildings contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies."

#### **Other sites-**

There are similar applications for single sided digital screens where refusals were appealed and the appeals were dismissed by the Planning Inspectorate who agreed that the adverts would be harmful to visual amenity and heritage assets. They all involved 'Display of digital screen and non-illuminated static poster panel to existing bus shelter' at the following sites-

**2015/5201/A** - opposite 88 Gray's Inn Road - Refused 22/01/2016 - Appeal dismissed 03/06/2016;

**2015/5202/A** - outside 125-129 Kingsway - Refused 22/01/2016 - Appeal dismissed 06/06/2016;

**2015/5203/A** - outside 117 Kingsway - Refused 22/01/2016 - Appeal dismissed 03/06/2016;

**2015/5204/A** - outside 258 West End Lane - Refused 22/01/2016 - Appeal dismissed 07/06/2016;

**2015/5205/A** - outside Town Hall Euston Road - Refused 22/01/2016 - Appeal dismissed 06/06/2016;

**2015/5363/A** - outside 100A Chalk Farm Road - Refused 22/01/2016 - Appeal dismissed 06/06/2016;

**2015/5365/A** - outside 70 Kingsway - Refused 22/01/2016 - Appeal dismissed 06/06/2016.

#### **Relevant policies**

**Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

**National Planning Policy Framework 2012**

**London Plan 2016**

#### **LDF Core Strategy and Development Policies**

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

DP21 – Development connecting to the highway network

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

#### **Camden Planning Guidance 2011/2015 (as amended)**

CPG1 Design 2015 - Ch.3 Heritage and Ch. 8 Advertisements

CPG 6 Amenity 2011- Ch.5 Artificial Lighting

#### **Hampstead Conservation Area Statement 2001**

## Assessment

### 1. Proposal

- 1.1. Advertisement consent is sought for installation of a double-sided structure to form an end panel at right angles to the south-east end of the existing bus shelter for the display of two digital screens facing inward and outward. Each digital screen would be 1338mm (W) x 2370mm (H) x 350mm (D) with a visible display area of 1.9m<sup>2</sup> made of an LCD screen with replacement glazing of 8mm. The screens' luminance levels are capable of 2500cd/m.
- 1.2. This follows a previous refusal in Jan 2016 (see history above) which was for a similar structure to this bus shelter but involving only one single sided digital screen and a non-illuminated static poster panel.
- 1.3. It should be noted that similar schemes at other sites in Camden were refused advert consent (see history above); subsequent appeals were dismissed by the Planning Inspectorate who agreed with the Council's reason that the adverts would be harmful to visual amenity and to the character and appearance of the streetscene, conservation area, and/or adjoining listed buildings.

### 2. Planning considerations

- 2.1. Adverts displayed on highways structures have deemed consent under Schedule 3, Class 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, provided that they do not exceed 2.16sqm in area and are not illuminated. Although the addition of the end panel falls within permitted development for highways structures, the main purpose of the structure is for advertising and the display requires express consent due to their cumulative size and internal illumination of the digital screens.
- 2.2. 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.

### 3. Amenity: Visual impact and impact on residential amenity

- 3.1. Camden Planning Guidance for Design (CPG1) advises that good quality advertisements respect the architectural features of the host building and the character and appearance of the surrounding area. As the advertisements are proposed as integral to the bus shelters, they are assessed against their impact on the character and appearance of the nearest buildings and surrounding area and their addition to the street scene.
- 3.2. Design guidance and the Hampstead Conservation Area Statement also states that signs on street furniture will not normally be accepted where they contribute to visual and physical clutter and create a hindrance to movement along the pavement or pedestrian footway.
- 3.3. The area is a mix of commercial and residential uses; however, it has restrained shop front signage with limited illumination in accordance with guidance for the Conservation Area. The existing bus shelter has one information panel with no advertising panels and is transparent at either end to allow visibility through the structure and has minimal impact on the surrounding area. Despite the busy nature of the area, the proposed structure would be highly visible due to the size, location and illumination and would occupy a prominent forward position on the footway and constitute an element of visual clutter. It is considered that it would be unduly dominant in the immediate vicinity and prominent in longer views along Hampstead High Street. It would appear out of character in this historic setting as it would detract from the

setting of the adjacent Grade II listed buildings at 28 to 31 Hampstead High Street. Overall, it is considered that the proposal would fail to preserve or enhance the restrained character and appearance of the Conservation Area and cause harm to the visual amenity of the immediate locality and wider area.

3.4. Camden Planning Guidance for Amenity (CPG 6) 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. As the advertisements are not located at a typical shop fascia level, they can appear visually obtrusive and as they would be illuminated, they have the potential to cause light pollution to neighbouring residential properties. The nearest residential windows are situated at an approximate 5m distance at the first floor level of no. 30 Hampstead High Street. As they are at a higher level, the proposal is not considered to be detrimental to the neighbouring occupiers' amenity in terms of light pollution or outlook.

#### **4. Public Safety**

4.1. Policy DP21 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. The Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users. The increased size of the glazed end panel replaced by the solid digital display forum is considered to create a hindrance to the free flow of pedestrian movement on the footpath causing pedestrians to negotiate around it during busy periods. Although it would reduce the effective footway width to 3.45m, this would meet the minimum recommended by the document titled Pedestrian Comfort Guidance for London published Transport for London.

4.2. It is accepted that all advertisements are intended to attract attention and the proposed advertisements would be placed in a typical position for a poster panel within an existing bus shelter structure. The Council also acknowledges digital displays of the size and form proposed are experienced in using the capital's transport network and the level of illumination and display of moving images can be restricted by condition. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings. However, advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings particularly during hours of darkness when glare and light spillage can make it less easy to see things, which could be to the detriment of highway and pedestrian and other road users' safety.

4.3. The existing bus shelter is predominantly glazed allowing views through the shelter; the addition of the solid digital display forum would be visible from the junctions of Spencer Walk and Coach House Yard with Hampstead High Street and from the pedestrian crossing to the southeast near the junction of Gayton Road. In this location, the display would be visible from some distance when driving along in both directions and would allow ample time for it to be seen and noted by drivers without causing sudden visual disturbance on their approach to the pedestrian crossing. Drivers joining Hampstead High Street from the nearby side roads would have sight lines partially blocked but are sufficient distance away to be not adversely affected.

#### **5. Recommendation**

5.1. Refuse Advertisement Consent as follows-

The internally illuminated digital screens, by reason of their location, size, design and method of illumination, would be unduly dominant and visually obtrusive in the streetscene, failing to

preserve and enhance the character and appearance of the Hampstead Conservation Area and harming the setting of the adjacent Grade II Listed Buildings, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.