

Delegated Report			Expiry Date:	13/10/2016
Officer			Application Number(s)	
Leela Muthoora			2016/4259/A	
Application Address			Application Type:	
Bus Shelter opposite 99 Gower Street London WC1E 7JG			Advertisement Consent	
1st Signature	2nd Signature (If refusal)	Conservation	Recommendation(s):	
			Refuse Advertisement Consent	
Proposal(s)				
Installation of double-sided structure to existing bus shelter no. 0107/4013 for display of 2x internally illuminated digital screens.				
Consultations				
Summary of consultation responses:		No consultation responses received		
Site Description				
The site is an existing bus shelter located on the footway opposite 99 Gower Street and adjacent to University College Darwin Building. It is within the Bloomsbury Conservation Area and located opposite to the Grade II listed terrace at 99-113 Gower Street. The nearest residential is approximately 15m to nearest at Mansion Bloomsbury House, 101-105 Gower Street. The nearest junction/traffic lights are approximately 50m south at Torrington Place. The bus stop marks the end of the bus lane opening to a three lane one-way road in a south-east direction.				
Relevant History				
This site-				
AS9904249 - Display of two internally illuminated poster panels on bus shelter. Refused 27/05/1999 and appeal dismissed 19/11/1999.				
Reasons for refusal: "The proposed advertisement would be contrary to the Council's policy for control of advertisements within a Conservation Area, by reason of harm caused to the visual amenity of the area it would cause a detrimental effect on the character and appearance of the Bloomsbury Conservation Area and also to the setting of listed buildings. It is therefore contrary to policy EN33 and also EN64 of the Council's Unitary Development Plan."				
Planning Inspector's comments: "I consider that this composite display of internally illuminated poster panels... would spoil the setting of these fine buildings and produce unduly assertive advertising within a part of Gower Street where the commercial profile is restrained and unimposing. I conclude for these reasons the proposed bus shelter incorporating a poster display would be incompatible with the conservation status of the area and detrimental to the general interests of amenity."				
2015/5230/A - Installation of double-sided structure to existing bus shelter no. 0107/4013 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 Bloomsbury Conservation Area and harming the setting of the opposite Grade II Listed Buildings with a detrimental impact on highway safety 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; DP21 (Development connecting to the highway network), 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 (as amended)

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

Camden Character Study June 2015

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Camden Streetscape Design Manual 2005

Transport for London Pedestrian Comfort Level Guidance for London 2010

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 1.9m² 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. Advertisements 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 Bloomsbury Conservation Area Management Strategy 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 university and residential uses and has no advertising on this part of the street. The existing bus shelter has two information panels 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 Gower Street. It would appear out of character in this historic setting as it would detract from the Grade II listed terrace opposite 99-113 Gower 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 and would be illuminated, they can appear visually obtrusive and would have the potential to cause light pollution to neighbouring residential properties. The nearest residential windows are situated at an approximate distance of 15m at the ground floor level of 101-105 Gower Street; however, the proposal is a sufficient distance to be considered 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. The addition of the screens would reduce the effective footway width from approximately 2.63m to 1.45m, which is contrary to the minimum effective footway of 1.8m recommended by the document titled 'Pedestrian Comfort Guidance for London' published by Transport for London. It would therefore, have a detrimental impact on pedestrian comfort levels and safety on this pedestrian route and would be contrary to DP21.

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 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 some distance on Gower Street heading south-east and would allow time for it to be seen and noted by drivers without causing visual disturbance on the approach to the crossing/junction at Torrington Place. There is some concern that the bus stop marks the end of the bus lane and buses would be changing lanes at this location. On balance, the proposal is not considered to have a detrimental impact on drivers' sight lines but the protection of pedestrians due to the reduced footway is contrary to DP21 and the proposal is unacceptable on this basis.

4.4. The proposal includes a function which can override the advertisement to display an emergency message. However any benefit from this is considered minor in comparison to the narrowing of the footway and its detrimental impact on the safety of pedestrians.

5. Recommendation

5.1. Refuse Advertisement Consent as follows-

5.1.1. 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 Bloomsbury Conservation Area and harming the setting of the nearby 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.

- 5.1.2. The internally illuminated digital screens, by reason of their location and size, would hinder the free flow of pedestrian movement by reducing the effective footway resulting in an unacceptable detrimental impact on highway safety and amenity contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy as well as policies DP21 (Development connecting to the highway network) and DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.