

# Delegated Report

Expiry Date:

19/05/2010

## Officer

Leela Muthoora

## Application Number(s)

2016/2455/A

## Application Address

Bus shelter outside 5 York Way  
London  
N1C 4AJ

## 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. 0107/1036 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 adjacent to 5 York Way. There is a cycle lane crossing approximately 3.4m north-west after the shelter which connects with Stable Street and a pedestrian crossing approximately 35m north-west after the shelter where Canal Reach joins York Way.

The borough boundary with Islington is on the other side of York Way which merges with the road after no. 180 York Way.

The nearest residential units are approximately 8m at Saxon Court at the upper levels of 5 York Way.

## Relevant History

No relevant history on site

### 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

DP21 – Development connecting to the highway network

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

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

CPG1 Design 2015 - Ch. 8 Advertisements

CPG 6 Amenity 2011- Ch.5 Artificial Lighting

### **Camden Character Study June 2015**

### **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 north-west 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. 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 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 business and residential uses; however, there is no signage on this side of the road where the ground floor units have double height windows. The existing bus shelter has two information panels with no advertising panels and is transparent at either end to allow visibility through the structure which has minimal impact on the surrounding 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.
- 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 and balconies are situated at an approximate distance of 8m at the first floor level of Saxon Court. There would be a degree of light spill but given the nearest windows and balcony 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. The addition of the screens would reduce the effective footway width to 9.55m, this would exceed the minimum recommended by the document titled 'Pedestrian Comfort Guidance for London' published by Transport for London and would not have a detrimental impact on pedestrian comfort levels on this route.
- 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. 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 pedestrian crossing and junction at with Canal Reach and highly visible where the cycle lane joins Stable Street and York Way. It is considered that the proposed screen would partially obstruct sightlines and distract drivers from other road users, in this case, cyclists.
- 4.3. Following advice from transport officers, drivers approaching the proposed sign from the south-east would not have enough time for it to be seen and noted by drivers without causing visual disturbance on the approach to the crossing/junction. However, drivers joining York Way from the nearby side roads would have sight lines partially blocked but are sufficient distance away to be adversely affected. On balance, the proposal is not considered to have a

detrimental impact on drivers' sight lines from side roads but the protection of pedestrians and cyclists in particular due to the reduced visibility at Stable Street cycle path is contrary to DP21 and the proposal is unacceptable on this basis.

## **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 of the area, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.
- 5.1.2. The digital screens by reason of their location and size would reduce visibility and sightlines which would be detrimental to highway safety contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and 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.