

Delegated Report

Expiry Date:

13/10/2016

Officer

Leela Muthoora

Application Number(s)

2016/2462/A

Application Address

Bus shelter outside Arthouse, 1 York Way
London
N1C 4AW

Application Type:

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. 0107/1011 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 (Stop E) located on the footway adjacent to Arthouse, 1 York Way. The nearest junction is approximately 35m north after the shelter where Tiber Gardens meets York Way. There are disabled parking bays approximately 8.5m north after the shelter on the same side of the road.

The nearest residential units are approximately 4.6m at the first floor of Arthouse, 1 York Way. The borough boundary with Islington is on the opposite side of York Way.

Relevant History

Nearby site-

2013/6898/A - Display of a two-sided internally illuminated advertising panel on side of bus shelter.
Granted 07/01/2014 (See section 1.2)

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 1.9m² made of an LCD screen with replacement glazing of 8mm. The screens' luminance levels are capable of 2500cd/m.
- 1.2. A double sided internally illuminated advertising panel was granted in 2014. The site was described as 1 York Way but the approved drawings are of the shelter opposite 70-78 York Way and the shelter no. as 0107/0316. The document submitted as the subject for this application do not include a unique identifier for the shelter but the site plans and co-ordinates confirmed at a site visit show the shelter number for the proposed advertisement to be 0107/1069. Furthermore, the previous approval pre-dates the site prior to the erection of the adjacent residential building Arthouse, 1 York Way and therefore, did not include the consideration of neighbouring residents.
- 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 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, there is limited illumination to the signage on the ground floor units in accordance with the outline permission for Kings Cross area and subsequent planning permissions. The existing bus shelter has one information panel with no advertising panel 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 4.6m at the first floor level of Arthouse; the proposal would be directly in front of the balcony. Due to the proximity and the level of the nearest neighbouring windows the proposal is considered to be detrimental to the neighbouring occupiers' amenity in terms of light pollution and 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 4.65m, 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 approach in both directions on York Way. It is considered that the proposed screen would partially obstruct sightlines and distract drivers from other road users, in this case, disabled parking bay users.

4.3. Following advice from transport officers, drivers approaching the proposed sign from the south would not have enough time to see it without causing visual disturbance on the approach to the shelter and parking bay directly behind. The proposed screen would block the view of the disabled parking bay and of people and vehicles entering or exiting this location. As such, due to the reduced visibility and sight lines for drivers heading north on York Way, the proposal is considered to have a detrimental impact on the protection of road users, in particular, disabled parking bay users, which 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 sight

lines 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