

<b>Delegated Report</b>			<b>Expiry Date:</b>	<b>13/10/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Leela Muthoora			2016/2372/A	
<b>Application Address</b>			<b>Application Type:</b>	
Bus shelter outside 140 Haverstock Hill London NW3 4RT			Advertisement Consent	
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (If refusal)</b>	<b>Conservation</b>	<b>Recommendation(s):</b>	
			Refuse Advertisement Consent	
<b>Proposal(s)</b>				
Display of 2x internally illuminated digital screens to existing bus shelter structure no. 0107/0205.				

## Consultations

### Summary of consultation responses:

One local group has objected to the proposals, as follows

#### **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 2500Cdm2 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.

***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 adjacent to 140 Haverstock Hill which along with numbers 128 to 138 are identified as buildings which make a positive contribution to the Parkhill and Upper Park Conservation Area. The opposite side of Haverstock Hill is the Belsize Conservation Area and nearby is a Grade II listed building at 148 Haverstock Hill.

The nearest junction is approximately 30m north-west before the shelter at the junction with Antrim Grove on the opposite side of the road. The nearest junction, on the same side of the shelter is approximately 75m south-east after the shelter with Fountain Mews.

The nearest residential unit is approximately 10.5m at no. 140 Haverstock Hill.  
Width 1.7m

## Relevant History

### **This site-**

**AE9800860** - Display of internally illuminated poster panel (1760mm x 1160mm) that forms integral part of bus stop shelter - **Granted 07/01/1999**

**2007/3194/A** Display of illuminated and vertical scrolling advertisements to both sides of poster panel at end of bus shelter. **Granted 03/08/2007**

**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****Belsize Park Conservation Area Statement 2003****Parkhill and Upper Park 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 1.9m<sup>2</sup> made of an LCD screen with replacement glazing of 8mm. The screens' luminance levels are capable of 2500cd/m.
- 1.2. A double sided vertical scrolling internally illuminated advertising panel was granted in 2011. Due to the increased size and level of illumination, the illuminated 'paper' poster signs and the digital screens are considered to be materially different from one another and therefore express consent is required and the displays are assessed as such.
- 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 Parkhill and Upper Park 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. This part of Haverstock Hill predominantly residential; there is no other signage on this side of the road and no units with shop fronts. The existing bus shelter has an existing double sided advertising panel; given the residential character of the area, the proposed structure would be highly visible due to the size, location and illumination and would 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 Haverstock Hill which are identified as key views in the Conservation Area Appraisal. It would appear out of character in this area and would detract from the positive contributors at 128 to 138 Haverstock Hill and the Grade II listed building at 148 Haverstock Hill. 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 10m at lower and upper ground floor levels of 140 Haverstock Hill. These windows would be screened by planting and the boundary wall, therefore the proposal is not considered to be detrimental to the neighbouring occupiers' amenity in terms of light pollution and outlook.

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

- 4.1. 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.
- 4.2. The existing bus shelter has an advertising panel in place at right angles to the road and is set back on the footway so the rear of the shelter is close to the boundary walls of numbers 140 and 142. In the same location, the proposed display would be visible from some distance on Haverstock Hill in both directions and would allow time for it to be seen and noted by drivers without causing visual disturbance on the approach to the junction. Drivers joining Haverstock Hill from Antrim Grove and Fountain Mews are sufficient distance away for sightlines to be adversely affected. On balance, the proposal would not have a detrimental impact on public safety.

#### **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 Parkhill and Upper Park Conservation Area and harming the setting of the nearby Grade II Listed Building, 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.