

Delegated Report			Expiry Date:	07/10/2016
Officer			Application Number(s)	
Leela Muthoora			2016/3879/A	
Application Address			Application Type:	
Site outside 246 Tottenham Court Road London W1T 7QU			Advertisement Consent	
1st Signature	2nd Signature (If refusal)	Conservation	Recommendation(s):	
			Refuse Advertisement Consent	
Proposal(s)				
Installation of double-sided structure integral to new bus shelter to display 2x internally illuminated digital screens facing the highway and 2x internally illuminated poster panels facing the footway.				
Consultations				
Summary of consultation responses:		No consultation responses received		
Site Description				
<p>The site is located on the footway in front of 246 Tottenham Court Road. There is no existing bus shelter in this location. Hanway Street Conservation Area is to the south-east and Charlotte Street Conservation Area to the north-west.</p> <p>The nearest junction is opposite at Stephen Street approximately 8m distance.</p> <p>There are no nearby residential units.</p>				
Relevant History				
<p>There is no relevant planning history on site.</p> <p>2016/3880/A - 6-17 Tottenham Court Road - Installation of double-sided structure integral to new bus shelter to display 2x internally illuminated digital screens. Granted 05/12/2016</p> <p>2016/3877/A - 127 Tottenham Court Road - Installation of double-sided structure integral to new bus shelter at 'Stop X' to display 2x internally illuminated digital screens. Granted 05/12/2016</p> <p>2016/3878/A - 170 Tottenham Court Road - Installation of double-sided structure integral to new bus shelter to display of 2x internally illuminated digital screens. Granted 05/12/2016</p>				
Other sites-				
<p>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-</p> <p>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.</p>				

An additional relevant appeal decision

2015/3210/A - St Giles Hotel, Bedford Avenue 'Display of 1x digital display screen (6.0 x 39.8 metres) to Tottenham Court Road elevation at 1st and 2nd floor level. - Refused 24/08/2015 - Appeal dismissed 18/11/2015 for amenity and public safety. The Inspector stated

"The Council considers that the proposed advertisement would be detrimental to highway safety. Such a large, unusual, and prominent advertisement is likely to draw the attention of pedestrians: I saw that the footway is busy, and acknowledge that it is likely to become more congested when the present Crossrail works at St Giles Circus are complete. Nevertheless, although some pedestrians might stop to look at the advertisement, I am unconvinced that this would be very likely to cause pedestrians to walk in the carriageway, given that the pavement is wide. However, the Council's transport officers note that the area suffers from a relatively high volume of rear shunt and pedestrian accidents relating to the junctions of Tottenham Court Road with Bedford Avenue and Great Russell Street: there is no contrary evidence before me, and the stated cause of a combination of high traffic and pedestrian flows accords with my observations during my visit. Given the qualities of the proposed advertisement, there is some likelihood that it would be a harmful distraction to drivers in a context which is sensitive to any further negative change.

I conclude therefore that the advertisement would, albeit only to a limited extent, be detrimental to the safety of highway users and therefore harmful to public safety. The Council cites, in relation to this issue, policy CS11 of the Core Strategy, but it does not seem to me to be of material relevance to the proposal. However, the proposal would conflict with the expectation of policy DP 21 of the Development Policies that works affecting highways avoid causing harm to highway safety."

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 Local Plan Submission Draft 2016

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

It should be noted that in relation to this application there are no material differences between the council's policies adopted in 2010 and the emerging Camden Local Plan due to be adopted in 2017. The submission draft is a material consideration in planning decisions. At this stage the Plan has some weight in decision making and is a statement of the Council's emerging thinking. The relevant emerging policies are:

A1 - Managing the impact of development

C4 - Safety and security

C5 - Access for all

D1 - Design

D2 - Heritage

D4 - Advertisements

T1 - Prioritising walking, cycling and public transport

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

Camden Streetscape Design Manual 2005

Transport for London Pedestrian Comfort Level Guidance for London 2010

Transport for London's Guidance for Digital Roadside Advertising and Proposed Best Practice 2013

The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements 2014.

Assessment

1. Proposal

- 1.1. Advertisement consent is sought for installation of a double-sided structure the rear side of a new shelter, facing the highway and footway for the display of two digital screens facing outward to the highway and two poster panels facing inward to the footway. 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. Similar schemes at other sites on Tottenham Court Road have been granted for double-sided structures to end of the bus shelter at right angles to the highway. This proposal is orientated to face the highway.
- 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 parallel panels fall 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 and poster panels.
- 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 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 predominantly commercial with some residential uses nearby; it is a busy central London area with retail units at the ground floor level. There is no existing bus shelter in this location as the road is currently restricted to a one-way direction heading north consisting of two lanes of traffic and a bus lane. The location of a bus shelter with clear panes and no advertising panels has been agreed in this position with the Council's highways engineering team following the proposed alterations to the road layout. The two screens proposed would occupy a prominent forward position on the footway facing Stephen Street and would be clearly visible from the west side of Tottenham Court Road. Despite the busy nature of the area the proposed structure would also be highly visible from Stephen Street due to the number, size, location and method of illumination. The proposal of two advertising panels would add to the visual clutter on this part of Tottenham Court Road.
- 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 on a side road to Tottenham Court Road on Bayley Street and therefore, 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 Council 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, it is accepted that all advertisements are intended to attract attention and the proposed advertisements position fronting a highway, opposite the junction with Stephen Street is considered inappropriate as it would be more likely to distract road users, particularly during the hours of darkness when glare and light spillage can make it less easy to see. This is considered to be detrimental to road users' safety.
- 4.2. The road layout is due to change as part of highway improvements. The traffic is currently restricted to a one-way direction heading north-west. These restriction are due to change to allow traffic in both directions which will make the digital displays highly visible to traffic turning from Stephen Street onto Tottenham Court Road as the screens would face the direction of travel and are not considered to protect road users at this junction. Following transport officer advice the addition of the advertising panels is considered to reduce the quality of the highway and public spaces in this location contrary to DP21 and the proposal is unacceptable on this basis.

5. Recommendation

5.1. Refuse Advertisement Consent as follows-

- 5.1.1. The digital screens by reason of their number, location, size and method of illumination would be a harmful distraction at the junction which would not contribute to high quality streets and 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.

