

2017/0121/A - Bus Stop outside 140 Finchley Road



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Photo 1 – view of the bus shelter from across Finchley Road



Photo 2 – view facing south-east towards Swiss Cottage



Photo 3 – view facing north-east towards Finchley Rd & Frognal Station



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	07/03/2017
		N/A		Consultation Expiry Date:	09/02/2017
Officer			Application Number(s)		
Tony Young			2017/0121/A		
Application Address			Drawing Numbers		
Bus Stop outside 140 Finchley Road London NW3 5JS			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM0045AB					
Recommendation(s):		Grant Advertisement Consent (with conditions)			
Application Type:		Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Interested parties:	No. notified	00	No. of responses	05	No. of objections	04
Summary of consultation responses:			No. Electronic	00		
	<p>Transport for London - raised no objections as follows - Subject to the attachment of the following conditions the proposal would not result in an unacceptable impact to the Transport for London Road Network (TLRN):</p> <ul style="list-style-type: none"> The proposed free standing forum structure must not operate over an illumination level of 600cd/m2 during the day and 300cd/m2 at night, consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015). If the nature and size of the proposed advertising is to be altered, TfL will need to be consulted before any changes can be implemented. All vehicles associated with the installation of the screens must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. The sign shall not display any moving, or apparently moving, images. The display shall not change more than once every 10 seconds. Any sequential change between advertisements will take place over a period no greater than one second. <p><u>Officer's response:</u> <i>Conditions would be attached to any approval along similar lines to those advised - see section 3.8 below and draft decision notice.</i></p> <p>Linda Chung (resident at Langland Gardens NW3 6QE) – raised objections summarised as follows:</p> <p>Digital panels would be a blight and degradation on the street scene and environment. Ugly urban encroachments that do nothing for either shopping or residential neighbourhoods. A source of light pollution. Should be refused on the following grounds:</p> <ul style="list-style-type: none"> Their location, size and design and means of illumination are too dominant and intrusive on the streetscene, and degrade the character and appearance of an area, contrary to policies CS5, CS14, DP24, and DP25. Their size and location would have detrimental impact on highway safety and amenity, acting against policies CS5, DP21, and DP24 of the Camden LDF. <p><u>Officer's response:</u> <i>See section 3-3.15 below.</i></p> <p>J L Prooth (resident at Fairfax Place NW6 4EJ) – raised objections as follows - "The illuminated boards are very distracting especially to drivers along this rather busy thoroughfare."</p>					

Officer's response: See section 3-3.15 below.

Redington Frogal Association - an objection from the has been received as follows:

"Such advertising would be highly detrimental to the Conservation Area and is also contrary to Camden's policy of decluttering. It would obstruct and narrow the pavement, contribute to visual and physical clutter and impede legibility and visibility for pedestrians and shoppers. The illuminated digital screens will further degrade the streetscape and encourage graffiti, in addition to causing a distraction to road users and increasing the risk of accidents on this very busy road. The proposal is contrary to Camden's Local Plan: in particular, Policies 7.82, 7.83 and 7.84.

Officer's response: See section 3-3.15 below.

Heath & Hampstead Society - an objection from the has been received as follows:

"We object to these garish and intrusive proposals, whose only purpose is revenue generation; no public benefit would result. Our objections, in more detail, are on these grounds:

- They would add to the already excessive street clutter in this busy area. Their increased size, and the large increase in brightly illuminated commercial display, would be an unnecessary and irritating intrusion.
- The illuminated panels would form a dangerous distraction to traffic, especially in view of the constant changes in visual images. Unless maintained to perfection (unlikely) the images could present a flickering brightness which would be particularly dangerous.
- The proposed plan arrangement of panels, increasing the enclosure of the seating, would tend to obscure the view of oncoming buses to those seated. The enclosed plan format would also become attractive to vagrants, and petty criminals, and deter waiting bus passengers from using the seating."

Officer's response: See section 3-3.15 below.

CAAC/Local groups
comments:

Site Description

The application site is located on the north-eastern side of Finchley Road within the Finchley Road Town Centre. The site is positioned in front of a parade of commercial units at ground floor level with residential flats on upper floors.

The site is not listed and is located within the Fitzjohns and Netherhall conservation area. The building is noted as making a positive contribution to the special character and appearance of the area.

Relevant History

2005/1973/A (Bus shelter outside 134-140 Finchley Road) - The display of an internally illuminated advertising panel on bus shelter. Advertisement consent approved 21/07/2005

History in nearby locality:

2017/0119/A (Bus Stop outside 9-10 Harben Parade, Finchley Road) - Display of 2x internally illuminated digital screens to bus shelter structure no. CAM00037AB. Advertisement consent approved 13/03/2017

2017/0120/A (Bus Stop Outside 192 Finchley Road) - Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM00044AB. Advertisement consent approved 13/03/2017

2017/0122/A (Bus Stop outside 16 Northways Parade, Finchley Road) - Display of 2x internally illuminated digital screens to bus shelter structure no. CAM00046AB. Advertisement consent approved 13/03/2017

2011/2651/A (Bus Shelter Outside 317 Finchley Road) - Display of an internally illuminated advertising panel comprising 6 sheet sequential poster on side of bus shelter. Advertisement consent approved 19/07/2011

Registered applications in nearby locality yet to be determined

2017/0123/A (Bus Stop outside Redfern House, Finchley Road) - Display of 2x internally illuminated digital screens to bus shelter structure no. CAM00047AB.

2017/0275/A (Bus Stop, Outside O2 Centre, Finchley Road) - Display of 2x internally illuminated digital screens to bus shelter structure no. CAM00097AB.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy Policies

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

CS17 – Making Camden a safer place

Development Policies

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

Draft Camden Local Plan*

A1 - Managing the impact of development

D2 - Heritage

D4 - Advertisements

T1 - Prioritising walking, cycling and public transport

* The emerging Camden 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.

Camden Planning Guidance

CPG1 (Design) - Chapter 8: Advertisements, signs and hoardings (2015)

National Planning Policy Framework 2012

The London Plan 2016

Fitzjohns and Netherhall conservation area appraisal and management strategy (adopted February 2001)

Town & Country Planning (Control of Advertisements) (England) Regulations 2007

Transport for London Guidance for Digital Roadside Advertising 2013

Assessment

1. Proposal and Background

1.1 Advertisement consent is sought for the replacement of internally illuminated panels within the bus shelter with a single-sided, internally illuminated digital advertisement panel positioned on the right-hand side of an existing bus shelter structure. The outside of the panel will remain as existing.

1.2 The site forms part of a list of bus shelters that are managed by the Council.

2. Revision

2.1 The scheme was revised during the course of the application from a double-sided digital panel to a single-sided inside only panel in order to address highway safety and design concerns.

3. Assessment

3.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to only consider amenity and public safety matters in determining advertisement consent

applications.

3.2 Camden's Planning Guidance CPG1 states that consideration should be given in conservation areas and on or near listed buildings to the sensitivity and historic nature of these areas or buildings, and that adverts should not obscure or damage any special architectural features of the building. Further, illumination should be sympathetic to the design of the building in which it is located.

3.3 Therefore, the principal considerations material to the determination of this application are:

a. Design and amenity:

- the design and impact of the proposal on the streetscene, appearance of the positive contributor neighbouring building and the character and appearance of the Fitzjohns and Netherhall conservation area;

b. Public safety:

- Impact of the proposal on highway safety and neighbouring amenity.

Design and visual amenity

3.4 The proposed digital advertising panel would measure approximately 1.34m wide by 2.35m high with an advertising face covering an area of approximately 2.5sqm located on the inside of the bus shelter. The scheme was revised following officer advice and in response to consultation responses from a double advertisement panel to a single panel. The outside panel would remain as existing (internally illuminated panel). The digital advertisement would appear as an integral part of the structure.

3.5 Four consultation responses have been received from Redington Froggnal Association, Heath & Hampstead Society and 2 residents in Langland Gardens and Fairfax Place objecting on the grounds that the proposal would be unduly dominant and visually obtrusive in the street scene, fail to preserve and enhance the character and appearance of the area, have a detrimental impact on highway safety and amenity, and lead to increased graffiti, petty crime and sense of enclosure to seating area (see consultation section above for full details). Due consideration has been given to the location of the structure within the conservation area and the concerns expressed in so far as this accords with CPG1.

3.6 It is accepted that all advertisements are intended to attract attention; however, the proposed advertisements are to replace existing illuminated advertising panels that form part of the structure of the bus shelter (see figures 1 & 2).



Figure 1 – facing south-east towards Swiss Cottage



Figure 2 – facing north-west towards Finchley Road and Frognal station

3.7 The bus shelter is a stand-alone modern structure with illuminated panels located outside a long terrace and parade of commercial units on the busy Finchley Road thoroughfare with associated signage at ground floor level and residential units above. Whilst officers acknowledge that there are limited examples of digital adverts in this location, it is also recognised that it is a commercial area with associated signage.

3.8 It is considered that the inside only digital panel would be clearly read as an integral part of the bus shelter and not detract from the character and appearance of the neighbouring positive contributor or Fitzjohns and Netherhall conservation area in comparison to the existing situation. Furthermore, conditions to ensure that the digital display replicates the existing advertisement panel are recommended. The advert would be static, with controlled times of how long one image can be displayed and controls on the change over time between each advert. In addition, it is

recommended that the luminance level is limited to 300 candelas at night (which is below the 600 candelas recommended by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015) and 2,500 candelas during the day to ensure that the visual impact of the addition on the wider area is limited. These measures would ensure that the digital advertisement panel would not have a detrimental impact or be unduly dominant on the character and appearance of the host building, streetscene, or the Fitzjohns and Netherhall conservation area

- 3.9 Whilst the method of illumination would cause some light spill, it is recognised that the existing bus shelter structure already has existing advertisement panels and is positioned in a commercial area in the locality of several retail units with associated signage. The proposal was also amended from double to single sided facing inwards which along with lower levels of illumination during the hours of darkness and restrictions on the rate of change of the display secured by condition would further minimise any adverse impact on the positive contributor and the wider conservation area. It is therefore considered that proposals to replace the existing advertisement panel with a digital advertisement, together with the conditions to limit the visual impact of the digital display and prevent movement, would not adversely impact the neighbouring positive contributor, the streetscene, the character and appearance of the Fitzjohns and Netherhall conservation area, nor the wider area.
- 3.10 The proposed digital screen display units are therefore considered to be acceptable in terms of size, design, location and method of illumination.

Neighbouring amenity and Public safety

- 3.11 The existing bus shelter structure is positioned on a busy thoroughfare with the screens facing away from the nearest neighbouring occupiers and the proposal has been revised so it is located on the inward facing panel of the bus shelter so limiting any adverse effects from light spill that might be experienced by the commercial environment at ground floor level or residential units above.
- 3.12 As stated previously, lower levels of illumination during the hours of darkness and restrictions on the rate of change of the display are secured by condition attached to this consent in order to further minimise any adverse impact. On balance, the proposed screens would not therefore be considered significantly harmful to neighbouring occupiers.

Public Safety

- 3.13 Concerns were also raised with regards to possible increased levels of graffiti, petty crime and sense of enclosure to the bus shelter seating area. The only change would be that the existing gap at the bottom of the shelter would be removed. Whilst this gap allows the feet of someone who is stood directly behind it to be visible, its impact on loss of surveillance would be minimal. The remainder of the bus shelter will remain open with glazed panels allowing people within the shelter to be seen. It is considered that given the bus shelter is an existing structure which already has illuminated panels extending the majority of the height of the structure that it would be used and function in much the same way as exists at present.
- 3.14 In terms of size, siting and method of illumination the proposal is not considered detrimental to highways safety especially as there is an existing advertisement panel already in place. It would replicate the dimensions of the existing advertisement panel so would not impact upon pedestrian movement around the bus shelter.
- 3.15 As the advertisements would be seen by drivers in moving traffic, this permission includes a condition that restricts the display of moving images and luminance levels. On balance, the location of the advertisements within the highways network is not considered to be hazardous to

vehicular or pedestrian traffic and therefore raises no public safety concerns.

4. Recommendation

4.1 The proposed signage is in general compliance with policies CS5, CS14, CS17, DP21, DP24, DP25 and DP26 of the Local Development Framework (as well as, the emerging Camden Local Plan policies A1, D2, D4 and T1), and as such, the application is therefore recommended for approval.

4.2 Grant Advertisement Consent (with conditions).

Disclaimer

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th March 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

SM Planning
80-83 Long Lane
London
EC1A 9ETApplication Ref: **2017/0121/A**
Please ask for: **Tony Young**
Telephone: 020 7974 **2687**

8 March 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Advertisement Consent Granted

Address:

Bus Stop outside 140 Finchley Road NW3 5JS

Proposal:

Display of 1x internally illuminated digital screen facing inwards to the existing bus shelter structure no. CAM0045AB.

Drawing Nos: CAM00045AB - Site Location Plan, Site Plan, Photos, Elevations (16/03/2017).

The Council has considered your application and decided to grant consent subject to the following condition(s):

Conditions and Reasons:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 No advertisement shall be sited or displayed so as to
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or

Executive Director Supporting Communities



aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 The advertisement display shall be statically illuminated and the intensity of the illumination of the digital sign shall not exceed 2500 candelas per square metre during the day and 300 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital sign should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.

REASON: To ensure that the advertisement does not harm the character and appearance of the area and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016, and Transport for London Guidance for Digital Roadside Advertising.

- 7 The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video

elements).

REASON: To ensure that the advertisement does not harm the character and appearance of the area and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016 and Transport for London Guidance for Digital Roadside Advertising.

- 8 The minimum display time for each advertisement shall be 10 seconds.

REASON: To ensure that the advertisement does not harm the character and appearance of the area and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016 and Transport for London Guidance for Digital Roadside Advertising.

- 9 The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

REASON: To ensure that the advertisement does not harm the character and appearance of the area and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016 and Transport for London Guidance for Digital Roadside Advertising.

- 10 No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

REASON: To ensure that the advertisement does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016 and Transport for London Guidance for Digital Roadside Advertising.

- 11 The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.

REASON: To ensure that the advertisement does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP21 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016 and Transport for London Guidance for Digital Roadside Advertising.

Informative(s):

- 1 The emerging Camden 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice in regard to your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION