

Delegated Report		Analysis sheet	Expiry Date:	04/01/2022
		N/A	Consultation Expiry Date:	21/02/2022
Officer			Application Number	
Tony Young			2021/5494/A	
Application Address			Drawing Numbers	
Bus Shelter outside 191 Haverstock Hill London NW3 4QG			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Display of a single sided, internally illuminated digital screen to the inward face of an existing bus shelter structure (Site I).				
Recommendation:	Refuse Advertisement Consent			
Application Type:	Advertisement Consent			

Reason(s) for refusal:	Refer to Draft Decision Notice					
Consultations						
Adjoining occupiers and/or local groups:	No. notified	00	No. of responses	00	No. of objections	00
Site Description						
<p>The site is an existing bus shelter located on an area of footway in front of no. 191 Haverstock Hill which is situated on the west side of the road. The immediate area is a mix of both commercial and residential uses. The nearest residential units are located approximately 10m to the north-west of the bus shelter on the upper floors above a parade of commercial units which occupy the ground floor level of nos. 185–211 Haverstock Hill.</p> <p>The stretch of pavement where the bus shelter is situated (outside nos. 147 – 211 Haverstock Hill) is contained on the Council's Local List (adopted in January 2015) which identifies locally significant buildings and places that contribute to a sense of place, local distinctiveness and civic pride. As such, the pavement and setting is a non-designated heritage asset and is identified as being of architectural, historical and townscape significance, contributing positively towards the overall townscape of this part of Haverstock Hill, and is locally listed.</p> <p>The site is located within the Belsize Conservation Area.</p> <p>The nearest road junction is Glenloch Road which is situated approximately 30m to the south of the site. The 2 nearest pedestrian road crossings are located approximately 80m and 50m to the north and south of the site respectively.</p>						
Relevant History						
<p>Site history: No relevant history directly applicable to this site.</p> <p>Nearby sites:</p>						

Bus Shelter outside 202 Haverstock Hill

2021/5508/A - Display of a single sided, internally illuminated digital screen to the inward face of an existing bus shelter structure (Site J). Advertisement consent refused 16/11/2022. Proposal, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harmful visual clutter, detrimental to the amenity of the locally listed setting and wider streetscene, and fail to preserve the character and appearance of the adjacent Belsize Conservation Area located directly opposite.

Bus Shelter outside 10 Pond Street

2021/5505/A - Display of a single sided, internally illuminated digital screen to the inward face of an existing bus shelter structure (Site H). Application yet to be determined

Bus shelter outside 242 Haverstock Hill

2016/2376/A – Installation of double-sided structure to existing bus shelter no. 0107/1011 for display of 2x internally illuminated digital screens. Advertisement consent refused and appeal dismissed dated 30/06/2017 (APP/X5210/Z/17/3171237). Proposal would have an unacceptably harmful effect on the visual amenity of the area, the digital display being unduly conspicuous, dominant and discordant feature that would constitute visual clutter in the public realm and harmful to the setting of the Fitzjohn/Netherhall Conservation Area and to the non-designated heritage asset at no 238 Haverstock Hill.

Bus shelter outside 176 Haverstock Hill

2016/2369/A - Installation of double-sided structure to existing bus shelter no. 0107/0227 for display of 2x internally illuminated digital screens. Advertisement consent refused and appeal dismissed dated 30/06/2017 (APP/X5210/Z/17/3171208). Proposal is unacceptable on visual amenity grounds and would constitute visual clutter, so undermining the setting of the row of buildings to the rear which are identified as making a positive contribution to the conservation area and fail to preserve or enhance the character or appearance of the Parkhill and Upper Park Conservation Area.

Bus shelter outside 140 Haverstock Hill

2016/2372/A - Display of 2x internally illuminated digital screens to existing bus shelter structure no. 0107/0205. Advertisement consent refused and appeal allowed dated 30/06/2017 (APP/X5210/Z/17/3171221)

Bus Shelter outside 5-17 Haverstock Hill

2015/5207/A - Display of digital screen and non illuminated static poster panel to existing bus shelter. Advertisement consent granted 08/01/2016

Bus shelter outside 5-17 Haverstock Hill

2016/2371/A - Display of 2x internally illuminated digital screens to existing bus shelter structure no. 0107/0160. Advertisement consent granted 01/11/2016

Bus Shelter outside Haverstock School, 24 Haverstock Hill

2015/5200/A - Installation of double-sided structure to existing bus shelter no. 0107/0161 for display of digital screen and non illuminated static poster panel. Advertisement consent granted 08/01/2016

Bus Shelter outside 142 Haverstock Hill

2007/3194/A - Display of illuminated and vertical scrolling advertisements to both sides of poster panel at end of bus shelter. Advertisement consent granted 03/08/2007

Recent appeal history:

There is vast appeal history for similar types of applications on free-standing structures in Camden (such as, bus shelters, telephone kiosks, hubs, etc.) where the Council's concerns about the detrimental impact of digital advertising screens in particular site contexts have been supported in the main by the Planning Inspectorate, as evidenced by the weight of appeals dismissed over a significant period of time.

While the Council has been mindful throughout the application process of the need to assess the proposal on its own individual merits, taking into account any matters pertinent to the proposals in accordance with all relevant policy and guidance, all relevant appeal history has also been taken into consideration.

Relevant policies

National Planning Policy Framework 2021

Sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment)

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

C5 Safety and Security

C6 Access

D1 Design

D2 Heritage

D4 Advertisements

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG Advertisements 2018 – paragraphs 1.1 to 1.15 (General guidance and advertising on street furniture); and 1.34 to 1.38 (Digital advertisements)

CPG Amenity 2021 - chapter 4 (Artificial light)

CPG Design 2021 - chapters 2 (Design excellence), 3 (Heritage) and 7 (Designing safer environments)

CPG Transport 2021 - chapters 7 (Vehicular access and crossovers) and 9 (Pedestrian and cycle movement)

Camden Local List (adopted in January 2015)

Belsize Conservation Area Statement (adopted November 2002)

Camden Streetscape Design Manual

Digital Roadside Advertising and Proposed Best Practice (commissioned by Transport for London) March 2013

Pedestrian Comfort Guidance for London (commissioned by Transport for London) 2010

Assessment

1.0 Proposal

- 1.1 Advertisement consent is sought for the display of a single sided, internally illuminated, LCD digital screen which would face inwards (south-east) on an existing bus shelter structure (see typical Image 1 below). The proposed digital screen would replace an existing paper back-lit advertisement.



Image 1 – typical inward facing LCD digital screen

- 1.2 The digital panel specification indicates that the screen would measure 1.34m wide x 2.96m high with a visible display area of 1.9m². The screen would sit under the glass canopy of the bus shelter. The advertisement display would be statically illuminated and the intensity of the illumination of the proposed digital sign would not exceed 2500 cd/m² during the day and 400 cd/m² during the hours of darkness. The levels of luminance on the digital sign would be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits. The advertisement would change sequentially at a rate of one advert every ten seconds and the changeover between adverts would take place instantaneously.

Revisions

- 1.3 The Council expressed concern in regard to the proposed display of a digital screen at this particular location given the site context and the harmful impact of the proposal in visual amenity, transport and public safety terms. The applicant was therefore advised to withdraw the application in order to avoid a likely refusal as amendments to the proposal were not considered likely to overcome Council concerns such that advertisement consent could be granted.
- 1.4 In response, the applicant amended the original proposal from a double-sided digital screen to a single sided, inward facing digital screen. This revised proposal is the subject of this report and has been considered on its own individual merit in the following assessment.
- 1.5 The applicant's covering letter confirms that the proposed advertisement display would remain the same size and in the same position as the existing display. The proposals have therefore been assessed on that basis.

2.0 Assessment

- 2.1 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.
- 2.2 Therefore, the principal considerations material to the determination of this application are:
- visual amenity – the design and impact of the proposal on the character and appearance of the locally listed setting, wider streetscene and Belsize Conservation Area; and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and
 - transport and public safety – the impact of the proposal on highway, pedestrian and cyclist's safety.

3.0 Visual amenity

- 3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings.
- 3.2 Local Plan Policy D2 (Heritage) seeks to protect non-designated heritage assets such as this locally listed setting, and weigh up the public benefits of a proposal, balancing the scale of any harm and the significance of the heritage asset. Paragraph 7.69 states that when determining applications that affect a non-designated heritage asset, the Council will treat the significance of that asset as a material consideration in the determination of the application.
- 3.3 Policy D2 (Heritage) also states that the Council will not permit development in conservation areas that it considers would cause harm to the character, appearance or setting of such an area. The Belsize Conservation Area Statement supports this when stating that its designation as a conservation area, *'provides the basis for policies designed to preserve or enhance the special interest of such an area.'*
- 3.4 Local Plan Policy D4 (Advertisements) confirms that the Council will resist advertisements where they contribute to or constitute clutter or an unsightly proliferation of signage in an area. In particular, Advertisements in conservation areas and on or near listed buildings and their settings require particularly detailed consideration given the sensitivity and historic nature of these areas, buildings or settings. More specifically, *'free standing signs and signs on street furniture will not normally be accepted where they contribute to visual and physical clutter.'* (paragraph 7.84)
- 3.5 The application site is an existing bus shelter located on an area of footway in front of no. 191 Haverstock Hill which is situated on the western side of the road. The immediate area is a mix of both commercial uses at ground floor level and some residential uses on the upper floors above. The site is located in the Belsize Conservation Area (see Images 2 and 3 below).



Images 2 and 3 – views of application site from south-east and north-east respectively

- 3.6 It is important to note that the stretch of pavement where the bus shelter is situated (outside nos. 147 – 211 Haverstock Hill) is contained on the Council's Local List (adopted in January 2015) which

identifies locally significant buildings and places that contribute to a sense of place, local distinctiveness and civic pride. In particular, the setting is recognised in the local listing as '*a high quality piece of streetscape*' given the distinctive continental character with wide pavements, mature street trees, benches and space for café tables in front of the parade of shops.

- 3.7 As such, the pavement and setting (together with the pavement on the opposite (east) side of the road) is recognised as being '*a local landmark and neighbourhood centre*' by virtue of its architectural, historical and townscape significance, contributing positively towards the overall townscape of this part of Haverstock Hill. As a non-designated heritage asset, the Council will treat the significance of the asset as a material consideration in the determination of the application in accordance with Policy D2 and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).
- 3.8 It is also notable that the immediate area is characterised by a general absence of illuminated signage and with no digital signs. As a consequence, the area has the characteristics of a local shopping parade rather than a more intensively used and busy high street or town centre locality where digital advertising is typically more commonplace.
- 3.9 While it is noted that the proposed digital screen would replace an existing paper back-lit panel, CPG (Advertisements) recognises in Paragraph 1.38 that digital advertisements in particular are '*by design visual prominent and attention grabbing with their illuminated images, especially when they are large in size. They are not suitable for locating in some areas.*' Factors which make a location less suitable for digital signs include locations '*where the advertisement could become the most prominent feature of the street scene.*'
- 3.10 In this particular context, especially given the general absence of digital or illuminated signage in the area, the introduction of a proposed illuminated digital screen would appear particularly prominent and out of character within the locality, standing out as a strident and intrusive example of unnecessary and inappropriate visual clutter, discordant within the locally listed setting and area generally. This is particularly the case, given the existing forward position of the bus shelter next to the road and approximately 10 metres away from the parade of shops. In this isolated position, the proposed digital screen would fail to blend in with the understated and relatively inconspicuous nature of signage that currently exists in the locality and the general activity of the shopping parade which is set-back from the bus shelter. Rather, by contrast, it would have a heightened presence in the locality, appearing as a dominant and incongruous illuminated display, detrimental to the visual amenity of the streetscene and wider Belsize Conservation Area.
- 3.11 The Planning Inspector noted in Paragraph 21 of a recent appeal decision (Ref: APP/X5210/W/20/3254037 and 3252962 – see Appendix A) in relation to a proposed digital panel on a phone kiosk similarly positioned towards the kerb edge and separate from a parade of shops that '*The visual impact of the kiosk would be increased by the large illuminated advertising panel, which would be a dominating feature on the structure. The panel, close to the kerb line, would be a prominent standalone illuminated feature. The panel would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness*'. The application is recommended for refusal for similar reasons.
- 3.12 Additionally, despite the inward (south-east) facing orientation of the proposed digital screen, it would nevertheless appear prominent in longer views along Haverstock Hill when viewed from the south-east given the visually lightweight nature of the existing bus shelter structure and largely transparent side panel on the opposite end of the shelter. This would allow clear and open views towards the illuminated screen from a considerable distance with no other features that would mitigate its impact (see Image 4 below). Being prominent in these longer views along Haverstock Hill, the proposed advertisement would, therefore, also appear as an insensitive and visually intrusive addition within the setting of the Belsize Conservation Area and would contribute to an erosion of the amenity of the area, as well as, to its character and appearance.



Image 4 – view of application site looking south-east along Haverstock Hill

- 3.13 Camden Planning Guidance (Advertisements) states that *'free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway'* (paragraph 1.21). The proposal is therefore unacceptable on this basis given the degree of visual clutter that it would introduce into the locality for the reasons stated above.
- 3.14 While it is accepted that all advertisements are intended to attract attention and that certain aspects of the display can be controlled by condition (such as, luminance levels, transition, sequencing, etc.), the addition of an illuminated digital advertisement in this location is not considered to mitigate against the adverse impact of such a screen which would be particularly conspicuous and eye-catching given its site context.
- 3.15 In this regard, it is noted in 4 appeals dismissed in 2018 for illuminated digital advertisement displays on freestanding structures (see Appendix B: APP/H5390/Z/17/3192478 - Appeal B; APP/H5390/Z/17/3192472 – Appeal B; APP/H5390/Z/17/3192470 - Appeal B; and APP/H5390/Z/17/3188471 - Appeal B) that the Planning Inspector commented that while the luminance levels and rate of image transition could be controlled by condition, the appeal proposals would nevertheless create isolated and discordant features. In each case, the display of a sequential series of static digital images was considered to have a harmful effect upon visual amenity.
- 3.16 Overall, therefore, the proposed advertisement, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harmful visual clutter, detrimental to the amenity of the locally listed setting and wider streetscene, and fail to preserve the character and appearance of the Belsize Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.
- 3.17 Considerable importance and weight has been attached to the desirability of preserving or enhancing the character or appearance of the Belsize Conservation Area and locally listed setting,

under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Planning balance

- 3.18 The NPPF states in Paragraph 203 (Chapter 16, 'Conserving and enhancing the historic environment') that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 3.19 In light of the above, it is considered that the proposal amounts to '*less than substantial harm*' of the non-designated heritage asset and the Council can see no public benefit that outweighs the harm.
- 3.20 Overall, therefore, the alterations do not accord with Chapter 16 of the NPPF which seeks to preserve and enhance heritage assets, and the proposal is considered on balance to be unacceptable in visual amenity terms and recommended for refusal on that basis.
- 3.21 Notwithstanding the above, should the application be approved, appropriate conditions would need to be attached to any consent to control the size of the display area, brightness, frequency of the displays, prevent any moving images, etc. (see Appendix C for suggested conditions).

Residential amenity

- 3.22 Local Plan Policy A1 (Managing the impact of development) and Camden Planning Guidance (Amenity) seek to protect the amenity of Camden's residents by only granting consent for proposals that would not harm the amenity of communities, occupiers and neighbouring residents in terms of noise and vibration levels. This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered.
- 3.23 CPG (Amenity) also 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.
- 3.24 The nearest residential units and windows are located on the upper floors approximately 10m to the north-west of the bus shelter above a parade of commercial units which occupy the ground floor level of nos. 185–211 Haverstock Hill.
- 3.25 Given the orientation of the proposed screen in relation to any neighbouring windows, the relative distance between them both, as well as, the higher level, set-back position of windows, the proposal is not considered to be detrimental to the residential amenity in terms of light pollution or outlook.

4.0 Transport and public safety

- 4.1 Policy A1 (Managing the impact of development) 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.
- 4.2 Policy D4 of the Local Plan states that advertisements will not be considered acceptable where they impact adversely upon public safety, including where they distract road users because of their unusual nature. CPG (Transport) also seeks to ensure that there is not any adverse impact on the highway network, the public footway and crossover points.
- 4.3 CPG (Advertisements) states that *'free-standing signs and signs on street furniture will only be accepted where they would not create or contribute to visual and physical clutter or hinder movement along the pavement or pedestrian footway'*. This is supported by Transport for London

(TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*'

- 4.4 The proposed display would be visible from some distance on Haverstock Hill when approaching the application site from the south-east direction, and as such, would allow time for the proposed screen to be seen and noted by drivers without causing visual disturbance on the approach to the junctions. Additionally, it is also noted that the proposed location of the digital advertisement screen is not close to any busy pedestrian crossings or traffic signal controlled junctions, nor would it introduce any undue distraction or hazard in public safety terms.
- 4.5 The proposal therefore is not considered to be harmful to either pedestrian or vehicular traffic and does not raise any public safety concerns.

5.0 Recommendation

- 5.1 The proposed advertisement, by virtue of its location, scale, prominence, orientation and method of illumination, would be an incongruous addition resulting in harmful visual clutter, detrimental to the amenity of the locally listed setting and wider streetscene, and fail to preserve the character and appearance of the Belsize Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.

List of Appendices

Appendix A: Planning appeal decision 3254037 & 3252962 – dismissed dated 16/11/2020

Appendix B: List of recent planning appeal decisions (x4 in total) – all x4 planning & advertisement consent appeals dismissed dated 22/05/2018

Appendix C: Suggested conditions