

Appeal Decision

Site visit made on 20 February 2017

by P Eggleton Bsc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28th February 2017

Appeal Ref: APP/U5360/Z/16/3162313

Bus stop outside Shoreditch Town Hall, Old Street, London EC1V 9LT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Ltd against the decision of the London Borough of Hackney Council.
 - The application Ref 2016/2867, dated 1 August 2016, was refused by notice dated 26 September 2016.
 - The advertisement proposed is a double-sided, freestanding Forum Structure, featuring 2 x Digital 84" screens positioned back to back.
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Decision

1. The appeal is allowed and express consent for the display of a double-sided, freestanding Forum Structure, featuring 2 x Digital 84" screens positioned back to back as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements hereby granted shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive displays and the display shall include a mechanism to freeze the image in the event of a malfunction. Each image shall be displayed for at least 10 seconds. The use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive advertisements to be displayed.
 - 2) The intensity of luminance of the advertisements shall be no greater than 300Cdm² during the hours of darkness.

Main Issue

2. The effect of the proposal on visual amenity.

Reasons

3. The proposal would result in the replacement of the existing two-sided poster advertisement, which is situated at one end of the covered bus shelter, with a similar advert with LED displays to each side rather than the posters currently contained within the unit. The existing internally illuminated poster panels were permitted in 2002.
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4. The Council accept that the proposal would replace existing signage of similar design and scale. However, they consider that the inclusion of digital screens with alternating imagery would significantly increase the visual impact of the signage when compared to the existing. This is despite the potential for the luminosity of the signage and the frequency of the changes in the display to be controlled by condition.
5. Subject to the brightness of the screens been limited to respect the historic setting within which they are set, I am not satisfied that an LED display, appearing as part of the bus shelter, rather than an internally illuminated poster display, would have any greater impact on the visual amenity of the area. It would similarly not have a greater impact on the South Shoreditch Conservation Area; the listed Shoreditch Town Hall which it would be immediately outside; or the Old Street Magistrates Court opposite. Overall, the proposal would not result in additional harm to amenity.
6. The Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. However, I have taken them into account as material considerations.
7. Given my findings and as the proposal would not alter the local distinctiveness of the area or the character of the historic and built environment, it would not conflict with the design or heritage requirements of Policies 24 and 25 of the Hackney Core Strategy 2010; Policies DM1 and DM28 of the Hackney Development Management Local Plan 2015 (LP); or Policies 7.4, 7.6 and 7.8 of the London Plan 2015. I also find no conflict, given the existing situation, with LP Policy DM29 which requires that advertisements must be of the highest possible standard and contribute to a safe and attractive environment.
8. Reference has been made to an appeal decision relating to an internally illuminated bezel surround to an ATM at 341-345 Old Street. Given that this proposal relates to a like for like replacement of an advertisement which already has consent, I am not satisfied that the proposals are directly comparable.
9. I have considered the requirements with regard to conservation areas and listed buildings and to the advice within the *Framework*. However, as these replacement adverts would have a neutral impact and would therefore preserve the existing character and appearance of the conservation area and the settings of the nearby listed buildings, they would satisfy the duties set out within the legislation and meet the heritage requirements of the *Framework*.
10. The matters put forward and the other considerations before me, do not indicate that these replacement advertisements should be resisted. I therefore allow the appeal. The Regulations impose five standard conditions. I consider further conditions are required to control the brightness and content of the LED displays. I have amended the conditions put forward by the appellant to ensure that the brightness of the signs is limited so as not to detract from the character of the area and to ensure that the images would not result in harm with regard to highway safety.

Peter Eggleton

INSPECTOR