The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2017

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 25 May 2017

Appeal Ref: APP/K5030/Z/16/3156561
o/s 186-190 Bishopsgate, London EC2M 4NR

- 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 City of London Council.
- The application Ref 16/00257/ADVT dated 16 March 2016, was refused by notice dated 19 July 2016.
- The advertisement proposed is an internally illuminated advertisement on a bus shelter.

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following additional conditions:-

    1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 1,200 cd/sq m during daylight hours, and no greater than 600 cd/sq m during the hours of darkness, to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

    2) The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method. There shall be no sequencing of messages relating to the same product.

    3) The minimum time between successive displayed images shall be 10 seconds and the transition shall take place over a period not exceeding 1 second.

Main issues

2. The effect of the proposed advertisement on the visual amenity of the area and its impact on public safety.

Reasons

3. The internally illuminated double sided LCD screen advertisement would be a freestanding but integral part of a new bus shelter replacing the existing shelter on a wide pavement on the eastern side of Bishopsgate, close to its junction

with Victoria Avenue. The site is within the Bishopsgate Conservation Area which, at this point, is characterised by an eclectic mix of buildings on a busy commercial street. The existing shelter is part of this street scene.

4. Some distance to the north lies the grade ll* listed Bishopsgate Institute and Library. The site lies within the wider street setting of the Institute but, because of the intervening group of buildings and road junctions, and its considerable distance from the Institute, the site makes no real contribution to the quality of its setting or to its significance as a heritage asset.

5. The immediate neighbourhood of the site is characterised by modern commercial development alongside a busy commercial thoroughfare, with a variety of signs and street furniture. I consider that the proposed advertisement would be in scale and in keeping with these characteristics, so that it would not be out of place in its surroundings. The advertisement would therefore preserve the character and appearance of the conservation area and would not cause harm to the significance of the listed building.

6. The maximum level of screen illuminance indicated would be more than twice the level recommended by the Institute of Lighting Professionals (ILP). That level of brightness could make the advertisement overly dominant within the street scene, particularly at night. However, the levels of brightness can be limited by condition to meet ILP standards and, with that in mind, I do not consider that the advertisement would be so obtrusive or predominant in this particular location that it would undermine the restrained and dignified character of the City.

7. With regard to public safety, the advertisement would be no wider than the existing shelter structure so that it would not particularly affect the free flow of pedestrians along the wide pavement. While the advertisement structure would be opaque, resulting in the loss of some degree of natural surveillance from one direction, the shelter would be open in other directions so that it would not hamper the safe passage of pedestrians.

8. The screens would show a range of displays in sequence and also appear to be capable of showing moving images. To avoid being overly eye-catching to drivers, the images should remain static for reasonably long periods and change quickly, while moving images at the roadside would be particularly distracting and dangerous. That can be controlled by condition and, subject to that condition, I consider that the advertisement would not be a danger to highway users.

9. I have taken account of the Council's Local Plan policies aimed at controlling advertisements, safeguarding heritage assets and protecting public safety but I find no overriding conflict with these policies. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety.

Colin Ball

Inspector