



Appeal Decision

Site visit made on 7 May 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2024

Appeal Ref: APP/E5900/Z/23/3335380

Bus Shelter 0130-0340, o/s 93-95 Mile End Road, London E1 4UU

- 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 Clear Channel UK against the decision of London Borough of Tower Hamlets.
 - The application Ref is PA/23/00998.
 - The advertisement proposed is a bus shelter with double digital internally illuminated 6-sheet advertising displays. Digital displays will portray static advertising images that change every 10 seconds.
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Decision

1. The appeal is allowed and express consent is granted for the bus shelter with double digital internally illuminated 6-sheet advertising displays. Digital displays will portray static advertising images that change every 10 seconds, at Bus Shelter 0130-0340, o/s 93-95 Mile End Road, London E1 4UU in accordance with the terms of the application, Ref PA/23/00998. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 1) The intensity of the illumination of the advertisements permitted by this consent shall be within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The displays hereby permitted shall not change more than once every 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 messages/advertisements to be displayed.
 - 3) There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays should be instantaneous (0.1 seconds or less), the complete screen should change, there should be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display should include a mechanism to freeze the image in the event of a malfunction.

Preliminary Matters

2. I have amended the description above to remove wording that does not describe development.
3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety.
4. The Council have set out that they have no objections to the scheme in relation to public safety (subject to conditions, as discussed below), and from what I have observed, I have no reason to disagree. I have therefore had regard to the policy references in the decision notice only in so far as they relate to amenity.
5. At the time of my visit there was no bus shelter in place. The proposed advertisements are intended for display on a shelter, the design of which is shown in supporting material. A separate planning permission/prior approval may be required for the bus shelter itself.

Main Issues

6. The main issue is the effect of the proposal on visual amenity, including Stepney Green Conservation Area (CA).

Reasons

7. The appeal site sits along Mile End Road, a busy main thoroughfare characterised at this point by mix of commercial, residential and cultural uses, with a variety in building scale and street furniture. Internally illuminated signage is evident serving the surrounding commercial and cultural units, in addition to bus stops further along the street in both directions.
8. The application site is within Stepney Green CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of the LPA as decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
9. It is evident from the Stepney Green CA document (2009), that its significance derives from being an area of exceptional architectural and historic interest, mainly centred around two main through-routes, Mile End Road and Stepney Green. The main defining characteristic of Mile End Road is its large-scale width, ranging from over 20 metres at Stepney Green station, to 50 metres to the west. The document states that the building lines to the north and south define the continuous corridor of the road and give it its urban quality, and that its functional importance as a transport route is an important part of its historic character.
10. Illuminated signage is part of the established commercial character of this street. The previous internally illuminated signage¹ at this location and at other bus stops along Mile End Road also means that illuminated signage at ground level would also not be incongruous. Given its functional importance as a transport route, bus stops are a common sight along the road and there is not an unusual amount of street furniture nearby that would mean that the proposal would lead to visual clutter.

¹ Advertisement consent reference PA/15/02495

11. The level of illumination would be in accordance with the guidance from the Institute of Lightening Professionals, and as such would sit comfortably in this well-lit area. As such, there is no compelling evidence before me to suggest that having digital displays on both sides would have a greater visual impact when viewed from either direction than that previously approved.
12. Mile End Road and its surroundings contain a number of listed buildings/structures, the nearest to the appeal site being a drinking fountain within the pavement outside No 99 Mile End Road. The significance of the structure lies with its special architectural and historic interest. The proposed bus stop advertisement would be located nearby on the same side of the street and would form part of the mixed urban form which provides the wider context of the asset. Therefore, although it would be visible, it would have a broadly neutral impact on the setting of the asset. The proposal would be unlikely to affect the appreciation of this or any other listed structure/building. Accordingly, I find that their significance would be preserved and therefore the amenity of the area would not be harmed in this respect.
13. I therefore conclude that the proposal would preserve the visual amenity of the surrounding area, including the Stepney Green CA.
14. I have taken into account Policies D.DH10, S.DH1, D.DH2 and S.DH3 of the Tower Hamlets Local Plan 2031 (2020) which seeks to protect amenity, including within Conservation Areas, and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
15. The Council also reference LP Policy D.DH8, which relates to the protection of living conditions. Whilst PPG points out that where relevant, the noise generated by advertisements needs to be considered, the Council have not raised any issue in this regard, and from what I have observed, I have no reason to disagree.

Conditions

16. The Council do not object to the proposal in terms of highway safety subject to a number of conditions. These seek to control the levels of illuminance, visual/special effects and that the display will not change more than once every 5 seconds. I have amended the display time change condition to 10 seconds to reflect the application form, and the illuminance level to only refer to the relevant guidance, as set out by the appellant. These conditions are necessary and reasonable in order to protect highway safety and the visual amenity of the area and have been attached alongside the standard five conditions.

Conclusion

17. For the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR