

Delegated Report

Expiry Date:

28/05/2015

Officer

Matthias Gentet

Application Number(s)

2015/1982/A

Application Address

Pavement outside of 334-336 Gray's Inn Road
London
WC1X 8EE

Application Type:

Advertisement Consent

1st Signature

2nd Signature (If refusal)

Conservation

Recommendation(s):

Refuse Advertisement Consent

Proposal(s)

Display of 1 x advertisement on a public payphone.

Consultations

Summary of consultation responses:

N/A

Site Description

The site is located on the east side and northern part of Gray's Inn Road which is a one way thoroughfare traveling from High Holborn to the south towards Kings Cross and St Pancras to the north. The payphones is sited some 4-5m away from the corner with Britannia Street, close to the edge of the pavement and adjacent to cycle racks all outside 334-336 Gray's Inn Road. The site is within the Kings Cross Conservation Area.

Relevant History

Host Site:

2009/1074/P – (refused on 22/04/2009) - Installation of a telephone kiosk on the public pavement.

Adjacent Sites:

2007/1734/A – (refused on 25/05/2007) - Display of an internally illuminated advertisement on payphone kiosk - Junction of Gray's Inn Road / Sidmouth Street.

2007/1736/A – (refused on 25/05/2007) - Display of an internally illuminated advertisement on payphone kiosk - Outside 340 Gray's Inn Road. (BT phone box)

2007/1791/A – (refused on 25/05/2007) - Display of two internally illuminated advertisements on payphone kiosk - Outside 200 Gray's Inn Road.

The following enforcement cases are included to provide a background history of recent cases leading to the removal of advertisement on several phone boxes from various provider at the northern end of Gray's Inn Road:

EN14/1139 – Unauthorised adverts on BT phone boxes - Outside of 340 Gray's Inn Road - Case Closed on 06/02/2015 following removal of advertisement.

EN15/0031 - INFOCUS display of unauthorised advert on phone box - Outside of 334 - 336 Gray's Inn Road – Case Closed on 12/02/2015 following removal of advertisement.

EN15/0032 - Unauthorised adverts on BT phone boxes (twin) - Public Telephone and WiFi kiosk Outside 366 Gray's Inn Road - Case Closed on 06/02/2015 following removal of advertisement.

EN15/0033 - Unauthorised adverts on unauthorised twin BT phone boxes - Outside of 297-305 Gray's Inn Road - Case Closed on 06/02/2015 following removal of advertisement.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

CS5 – Managing the impact of growth

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

CS17 – Making Camden a safer place

Development Policies

DP16 – The transport implications of development

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

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

Camden Planning Guidance 2013 (as amended)

CPG1 (Design) Chapter 8

Kings Cross Conservation Area Appraisal (01/06/1991)

Planning Enforcement Initiative to remove unsightly advertisement hoardings in the Borough National Planning Policy Framework March 2012

Planning Practice Guidance

London Plan 2015, consolidated with alterations since 2011

Assessment

Proposal

1.1 The application is for the display of a non-illuminated 6 sheet advertisement on the south side of an existing phone booth. Although the proposal is for a non-illuminated advertisement, there is currently lighting to the underside of the roof of the phone box. However, it is to be noted upon site inspection that the light would appear to have to be kept switched off.

1.2 It must be noted at this stage that it is unclear however whether the proposed 6 sheet advertisement is to remain static or whether it would be changing at regular intervals. By its very nature of having multiple displays (6 sheets), it is difficult to envisage the proposed advertisement to remain unchanged. Also, the information provided in relation to the non-illuminated 6 sheet advertisement demonstrates that the advertisement is to be illuminated - as clearly annotated on the advertisement's detailed fact sheet – yet failed to show how the 6 sheets are to be installed within the box sign itself. A 6 sheet advertisement can only result in a moving signage unlike a single sheet poster which would remain static.

Site history:

1.3 The application has been made subsequent to the enforcement case ref: EN15/0031 (see site history) opened on 15/01/2015, requesting for the advertisement – a single sheet - on display at the

time to be removed. The advertisement, not having the required advert consent, was thus being displayed unlawfully. This was complied with and the case was closed on 12/02/2015.

Assessment:

1.4 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.

Amenity

1.5 The National Planning Policy Framework must be taken into account in the preparation of Local and neighbourhood Plans, and is a material consideration in planning decisions.

1.6 Advertisements are controlled with reference to their effect on amenity and public safety only. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest [Regulation 3(2) (a) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007].

1.7 Paragraph 079 of the NPPF guidance states that it is a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

1.8 Paragraph 8.9 of CPG1 (Advertisements Signs and Hoardings) states that advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements on or near a listed building or in a conservation area must not harm their character. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

1.9 The phone box is located in the Kings Cross Conservation Area, close to the edge of the pavement. The proposed non-illuminated 6 sheet advertisement is to be displayed on the south elevation of the phone box.

1.10 Following the removal of the advertisement in situ in compliance with the enforcement case ref:EN15/0031, along with the compliance in the removal of similar unlawful advertisements also at the northern end of Gray's Inn Road from other telecommunication operators – enforcement cases reference: EN14/1139, EN15/0032 & EN15/0033, this has demonstrated the negative impact the accumulation of advertisements on phones boxes all in close proximity of each other can have on the streetscape and the conservation area. Since the breach of unlawfully displayed signage has ceased, a more aerated and less cluttered appearance of the streetscape has been re-introduced to the upper part of Gray's Inn Road emanating from both side.

1.11 Concerns regarding the cluttering caused by excessive advertisement is raised in Chapter 6.5 (Small scale developments within the public realm) of the Kings Cross Conservation Area appraisal stating that *building frontages, roads and pavements are all important elements of the public realm and the cumulative impact of small-scale changes can have an overall detrimental impact on the character of the area. Such additions can include visual clutter from excessive signage.*

1.12 The proposed non-illuminated 6 sheet advertisement would be an incongruous addition to the

streetscape and would result in visual clutter. It is considered that the proposed signage would be harmful to the appearance of the streetscene and will not enhance nor preserve the character and appearance of the conservation area and would be contrary to policy CS14 and DP25.

Public Safety

1.13 Paragraph 068 of the NPPF practice guidance states that the main types of advertisement which may cause danger to road users are:

(a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;

1.14 Paragraph 078 of the states that the prevention of crime is a public safety consideration.

1.15 Paragraph 8.8 of CPG1 – Chapter 8 Advertisements Signs and Hoardings states that advertisements will not be considered acceptable where they impact upon public safety, such as being hazardous to vehicular traffic (e.g. block sight lines, emit glare) or pedestrian traffic (e.g. disrupt the free flow of pedestrian movement).

1.16 Planning Practice Guidance states that the main types of advertisements that may cause dangers to road users include those externally or internally illuminated signs and which are subject to frequent changes of display. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that factors relevant to public safety include the safety of persons using any highway.

1.17 In its current state, the phone booth provides a clear “see-through” view for pedestrians in a very busy area, allowing safe negotiation around the phone box, passed the cycle racks and along the pavement and thus minimizing the need for over-spill of pedestrian onto the road and in the way of the traffic in accordance with policies CS17 and DP21. The advertisement obscures both transparent glazed north and south facing panels of the phone box – directly or indirectly depending on the direction of approach - resulting in reduced visibility of traffic on Gray's Inn Road and on the approach of Britannia Street heading north towards Kings Cross St Pancras. The resulting hindrance to pedestrian visibility on the congested pavement on such a busy road, compromises pedestrian safety and is considered to constitute a danger to members of the public.

1.18 The advertisement obscures both transparent glazed north and south facing panels of the telephone kiosk resulting in reduced visibility of traffic of Gray's Inn Road and Britannia Street in very close proximity. The resulting hindrance to pedestrian visibility on the congested pavement on such a busy road, compromises pedestrian safety and is considered to constitute a danger to members of the public.

1.19 The addition of the advertisement would also increase the opportunity for anti-social behaviour and creates potential problems in terms of street crime and robbery.

Recommendation

The application is therefore recommended for refusal with the reasons outlined on the decision notice.