

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/3715/L	Andrew Sulston	45 North Road Highgate N6 4BE	09/08/2015 18:12:19	OBJ	<p>Further comments on 2015/3715/L and 2015/3716/A</p> <p>1) Having made further checks we understand that under the Town &amp; Country Planning Act regime (i) advertising in red K2 and K6 phone boxes is prohibited and (ii) illuminated advertising in any phone box is prohibited. The box in question is a K6 box in a conservation area. For both these reasons the current application must be rejected.</p> <p>2) The authority for this is as follows:</p> <p>From the Town And Country Planning (Control of Advertisements) (England) Regulations 2007: (<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7678/321506.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7678/321506.pdf</a>)</p> <p>See paras 73 and 74. There is a deemed consent regime for some telephone kiosk advertising. However:</p> <p>“74. Geographical restrictions are imposed which prevent deemed consent applying to advertisements on telephone kiosks in a conservation area, National Park, the Broads, an area of outstanding natural beauty or an area of special control. No advertisement may be displayed on an historic telephone kiosk (a K2 (1927), or K6 (1935) telephone kiosk designed by Gilbert Scott). The advertisements themselves may not be illuminated.”</p> <p>3) We would also note that Thinking Outside the Box made several almost identical applications to Brighton Council for telephone box advertising which were refused. For example: <a href="http://ww3.brighton-hove.gov.uk/index.cfm?request=c1199915&amp;action=showDetail&amp;APPLICATION_NUMBER=BH2015%2F01535">http://ww3.brighton-hove.gov.uk/index.cfm?request=c1199915&amp;action=showDetail&amp;APPLICATION_NUMBER=BH2015%2F01535</a></p> <p>4) There are broader policy questions Camden Council may wish to consider. These are very relevant as Camden has a large number of K2 and K6 boxes which are listed structures. Most of the K2 and K6 telephone boxes on Hampstead High Street were transferred to the Thinking Outside the Box organisation about a year ago. At the time all the phone units were removed by BT (as has happened with the current box on Highgate High St already). Since we believe that at all times the Hampstead High Street boxes have stood empty with the doors bolted up. Thinking Outside the Box's business plan appears to be to acquire boxes and then hope a suitable business may come forward, but so far this has not happened in Hampstead. As far as we know Camden did not give permission for the removal of the phone units or the bolting up of the boxes. Relevant questions include:</p> <p>i) Does Camden Council take the view planning consent is needed for the removal of a phone and bolting up of the box? Is this a change of use? Note this has already happened to the current box on Highgate High Street without your permission as far as we know.</p> <p>ii) Is the Thinking Outside the Box business model suitable for these listed structures in Camden? What will happen if no businesses wish to use the boxes?</p> <p>iii) Is Camden monitoring the continued state of the boxes under the care of Thinking Outside the Box?</p>

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2015/3715/L	Rachel Allison	Highgate Forum	31/07/2015 15:27:32	OBJ	
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Comment from the Highgate Forum  
www.highgateneighbourhoodforum.org.uk

Camden Planning Application - 2015/3716/A and 2015/3715/L

Site Address - Telephone box o/s 3 Highgate High Street London N6 5JR

(Note the distinction between these two applications is unclear so this response applies to both.)

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The Highgate Forum would like to object in the strongest possible terms to this application.

We note four points:

1 – Entrance to the historic heart of the Conservation Area.

We are in discussions with Haringey and TfL about changes to the entrance roads to Highgate from the north and would soon plan to start similar discussions with Haringey and Camden about the approach from the south, notably up Highgate Hill.

The application for the installation of three internally mounted LCD screens and replacement glazing in a phone box could not be more misplaced. This is a most visible location in a prestige conservation area.

2 – Conflict with your own CA guidance.

In your own HCAAMS  
<https://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-policy/supplementary-planning-documents/conservation-area-appraisal-and-management-strategies/highgate/>

The use of phone boxes for advertising is not explicitly covered, not least as such a development would not have been envisaged a decade ago when the plan was drawn up.

That said, the spirit of the plan is clear. Under the section on “Shopfronts, canopies and shutters”, page 62, it says: “The appearance of shopfronts are an important element in the village character of the Highgate Conservation Area. .... Inappropriate and poorly designed shopfronts detract from the character and appearance of the Highgate Conservation Area. The Council expects the quality and design of new shopfronts to respond sensitively to their historic setting.” The proposal is simply a shop

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front in another guise. All previous requests for illuminated signs in shop fronts have been rejected.

The following paragraph says: “The installation of signage, particularly illuminated signage will usually require advertisement consent. A proliferation of signage, even of an appropriate design, could harm the character of the Conservation Area. .... This (advertising) will be resisted where it is considered to detract from the character and appearance of the area.”

On page 60 it says: “Investment and Maintenance - The quality of the public realm and particularly the pedestrian spaces make an important contribution to the historic character of the Conservation Area. The Council will seek to ensure that its own ongoing investment in the public realm in the Conservation Area respects and enhances its special character and ..... support the preservation of the area’s distinctive character.”

These themes will be drawn together in the next draft of the neighbourhood plan but make it clear that such use for a phone box is not appropriate.

### 3 – Precedent rejections

#### a) Cambridge

Quoting from a newspaper article:

"The structure would, following development, constitute an illegal structure within the public highway, and an unnecessary obstruction," said highways officer Ian Dyer in his response to the planning application. "The highway authority will not licence private advertising hoardings within the public highway and so would require the removal of the structure. The highway authority therefore objects to the proposal to site an unnecessary and illegal structure within the public highway and recommends that the proposal be refused planning permission."

<http://www.cambridge-news.co.uk/Cambridge-8217-s-iconic-red-phone-boxes-saved/story-27481323-detail/story.html>

#### b) Lincoln

We also draw attention to a very similar planning application 2015/0374/LBC in Lincoln which was rejection on 10 July this year as follows:

“It is considered that proposal would cause substantial harm to the aesthetic and historic significance of the heritage asset and the Conservation Area as the advertisements would be highly visible even though mounted on the inside of the glazing. The simple lines, carefully considered design and overall aesthetic concept of the kiosk which embodies so much of its value as a heritage asset would be unacceptably adulterated and diminished by the incongruous introduction of the visual clutter of advertising in the first instance and an LCD display to present the advertising. The proposal is therefore considered to be contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and paragraphs 131 132, 133 of the National Planning Policy Framework.”

[http://online.lincoln.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?](http://online.lincoln.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=341492&XSLT)

[PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=341492&XSLT](http://online.lincoln.gov.uk/Northgate/PlanningExplorer/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=341492&XSLT)

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=/Northgate/PlanningExplorer/SiteFiles/Skins/Lincoln/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=N&XMLSIDE=/Northgate/PlanningExplorer/SiteFiles/Skins/Lincoln/Menus/PL.xml&DAURI=PLANNING

The same arguments apply in this case and also point to rejection.

#### 4 – Alternative and additional uses

a) All the BT phone boxes in Highgate are maintained by a small group of local citizens in cooperation with BT. In the last 18 months all our boxes have been cleaned and repainted by locals and BT. Necessary repairs have and continue to be undertaken by BT. This shows how they are loved and are a treasured part of the streetscape.

b) These boxes are not getting a lot of use as phones, but do provide a very welcome use to tourists and school children, often at times of need. Pupils without their mobiles or a flat battery are able to contact parents using the public phone and, if necessary, the reverse charge facility. The box outside Waterlow Park, the subject of this application, is opposite and adjacent a girl's school and close to a busy bus stop. Removal of the phone would be permanent and rob those users of a potentially important method of communication.

c) The boxes are a British icon. Highgate attracts a lot of tourists who appreciate the existence and traditional appearance of the boxes. The phone boxes are points of interest on the guided tours of Highgate and tourists can often be seen having their photos taken in or by them. There are many examples of phone boxes converted to alternate uses which are of benefit to their communities and members of the forum have in recent months been in dialogue with BT to discuss alternative uses. The Forum has had discussions with locals about possible alternative uses. No one has suggested that they become advertising hoardings and most would be horrified at the thought. It is clear that the current proposed use offers no benefit to the Highgate community or its visitors in the way that conversion into a defibrillator site or community information point could.

Sent on behalf of Rachel Allison and Simon Briscoe  
Chair and Deputy Chair  
Highgate Forum  
31 July 2015

rachelallison@blueyonder.co.uk

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2015/3715/L	Andrew Sulston	45 North Road London N6 4BE	01/08/2015 17:36:58	OBJ	Applications 2015/3716/A and 2015/3715/L. Date of notice 15 July 2015 Telephone box o/s 3 Highgate High Street London N6 5JR (This response applies to both of the above applications)

I strongly object to this application and would urge you to object to it for these reasons:

1. The applicant appears to have taken action prematurely: At some point between 7am on 29 July and 10 am on 1 August the whole phone unit has been removed from the telephone box. This has been done neatly and professionally. In other words the first stage of the change of use has been carried out while the application is still pending. I will be contacting BT and the applicant this weekend to ask them if they are aware of this or have authorised this action.

2. Inconsistent with the Conservation Area: The application is not appropriate in a Conservation Area: the LCD screens and advertisement would be very inconsistent with the nature of the Conservation Area and the High Street. I understand all previous requests for illuminated signs in shop fronts have been rejected as this would be inconsistent with Camden's Conservation Area management strategy. The phone box is also a listed structure.

3. The phone box is a working phone which is cared for: All the BT phone boxes in Highgate are maintained by a small group of local residents (including me). We have worked together with BT and the Highgate Society for 18 months to clean, repair and repaint all of the K2 and K6 boxes in the immediate Highgate area where we live. (two boxes at either end of Waterlow Park, one on Hornsey Lane, one on North Hill, one on Hampstead Lane, two in Pond Square and one on Highgate Road). We would object strongly to any similar application for any of these boxes.

4. The phone box is valued by local residents: Put simply, we look after and care for all these boxes. They all have working phones and these are valued by many local residents who we have spoken to. We regularly visit and clean the boxes and have conversations with many residents and visitors who pass by as a result. All are supportive. Many comment that boxes are still used by children (who may forget their mobiles and can reverse charges to call home), by many elderly people and by tourists. There is also a minority of people who do not own mobiles (the application accepts this when it states the "majority of people own mobile phones", in other words there remains an important minority). Children regularly pass by the box since it is opposite a Girl's school.

5. No benefit to the Highgate community: We accept there are many examples of phone boxes converted to alternate uses which are of benefit to their communities, but the current proposed use offers no benefit to the Highgate community.

6. Possible procedural irregularity: The date of the notice of the application displayed near the box is 15 July 2015. The deadline (at least for one part of the consultation) is 3rd August. This is less than 3 weeks. Has the correct procedure been followed?

7. Question in relation to the applicant: According to the applicant's website

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					(www.thinkingoutsidethebox.org.uk/), "Thinking Outside The Box is a charitable trust with a defined purpose..." There is no record of it on the Charity Commissions website (either against its name or its postcodes). I am contacting the Charity Commission to ask them to investigate this.
					I'm happy to provide any further details. Andrew Sulston. Tel 020 3088 20450. E mail AndrewSulston@yahoo.com

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2015/3715/L	The Highgate Society	10a South Grove N66BS	02/08/2015 23:04:17	OBJLETTE R	2015/3716/A, 2015/3715/L – Telephone Box outside 3 Highgate High Street, London N6 – application to convert Listed K6 telephone Box into advertisement medium. - attn. Leela Muthoor

We write to object in the strongest possible terms to this application.

(1) Firstly, Para. 6.6 of the so-called “Design and Access Statement” states that, as a part of any permission, the telephone equipment “will be removed”. However, this has already been done, on approximately August 1st, 2015, and is thus a breach of Listed Building control. We trust that immediate action will be taken to address this.

(2) Highgate Village is one of London’s most important Conservation Areas. It is a long-standing policy of both Camden and Haringey, who share the western and eastern sides of Highgate High Street respectively, that no illuminated advertisements will be permitted in the Highgate Conservation Area.

(3) The telephone box is in a prominent and highly visible location at the southern gateway to Highgate Village. It is further in front of the important Listed wrought iron railings fronting the entrance to Waterlow Park. There are no other advertisements in the public realm anywhere within the High Street, and these have been carefully resisted. The installation of an illuminated advertisement at this location would therefore be against, and undermine, policy for the protection of Conservation Areas, and cause substantial harm to the Highgate Conservation Area, which is itself a designated heritage asset.

(4) The substantial harm would be compounded by the damaging precedent it would set for installing illuminated advertisements on any designated heritage asset within the Conservation Area.

(5) NPPF para. 131 emphasises “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and “the desirability of new development making a positive contribution to local character and distinctiveness.” The proposal cannot be considered to “sustain and enhance the significance” of the asset or to “make a positive contribution to local character and distinctiveness.”

(6) NPPF para. 132 requires that “substantial harm to a Grade II listed building should be exceptional” and “should require clear and convincing justification”, and para. 133 directs that where such harm occurs, consent should be refused, “unless it can be demonstrated that [it] is necessary to achieve substantial public benefits that outweigh the harm.” No such public benefit would arise from the proposal.

(7) In view of the above comments, and our further comments below, the conversion of a Listed structure in a highly visible location to a mere medium for advertising is therefore clearly inappropriate.

(8) Highgate High Street is a busy through route for traffic at all hours of the day. As noted, there are no other public advertisements in the High Street, and this would therefore have the potential for being

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distracting for drivers, particularly during the hours of darkness, since it is very close to the road.

(9) As an important Conservation Area, Highgate is a magnet for tourism. This would therefore cause substantial harm to the relatively-unspoilt Highgate Conservation Area as a tourist venue, and give its southern gateway a tawdry appearance.

(10) Sections 2-4 of the Design and Access Statement make much of the fact that the layout of the site, landscaping and footprint of the Listed Box will not be affected. Para. 6.2 claims that “careful consideration has been given to preserving both the box and its relationship to the conservation area.” However, it is clear that minimal consideration has in fact been given to the impact of the proposal on the Conservation Area, and that the main motive is not “public benefit” or harm to the heritage asset, but commercial expediency, and that the requirements of para. 133 of the NPPF (see below) have not been met.

(11) Section 6.1 of the Design and Access Statement states that the aim is to “redefine [the box’s] usage to suit modern-day needs.” However, conversations with local people indicate that the box is still valued and used by members of the community of all ages. No evidence has been provided by the applicants to suggest that this is not the case. Their statement that “the majority of people use mobiles” neither makes clear what a “majority” is, nor indicates what those who do not have mobile phones – or, indeed, those who happen to forget theirs – are expected to do. Indeed, such a statement is clearly discriminatory, particularly against the older members of the community – of whom there are many in Highgate – who may not own mobile telephones, demonstrating that, far from providing any public benefit, the proposals could even reduce it. Far from adapting the box to “suit the 21st century” (8.1), it is clear that the proposals will suit no-one except the applicants.

(12) The application proposes using the telephone box as an advertising medium. It then proceeds to justify this by stating that other boxes have been converted into ice-cream and coffee sales points (8.1) and art galleries and libraries (8.5). It could certainly be argued that a public benefit might arise from use as an art gallery or library, or as some other educational or information point, but the justification to use it for advertising, because other such kiosks are used as art galleries or libraries, is spurious.

(13) In 8.4 the applicants state that they have consulted with a charity, “Thinking Outside the Box”, which is supported by various initiatives in Westminster. Firstly, we are advised that there is no record of “Thinking outside the Box” on the Charity Commission Website and are seeking further information. Secondly, this case appears to have little relevance to the situation in Westminster. Thirdly, we consider that if the optimum use is to be sought, the members of the local community should be consulted, not some organisation in Westminster. Highgate has an officially designated Neighbourhood Forum (in the process of formulating a Neighbourhood Plan), the Highgate Society (one of the country’s largest, oldest, most active and most experienced amenity groups), a Conservation Area Advisory Committee, and its own established charities, including the Harington Scheme (a horticultural training scheme for disabled youths) and the Jacksons Lane Community Centre (an active local arts centre). There is also a local community group which has already carried out an excellent programme of restoring the Listed K6 boxes in Highgate Village. Indeed, the Highgate Society has already



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considered the possibility that some of its Listed K2 boxes could be converted into Tourism and Local Heritage information points.

It is therefore unacceptable that none of these groups have been consulted or approached by the applicants to seek their views as to what uses for the kiosks would provide the best “public benefit” to suit local circumstances.

(14) Finally, there are several other Listed K6 telephone boxes in the Highgate Village Conservation Area. To grant permission for this would set a damaging and irresistible precedent for applications to convert these to advertising media, which would compound the harm to the Heritage Asset of the Conservation Area.

Therefore, in addition to their failure to address the requirements of the NPPF as set out above, the applicants have also failed to satisfy the four cardinal requirements of para. 133 of the NPPF:

- they have not demonstrated that “the nature of the heritage asset prevents all reasonable uses of the site”;
- they have not demonstrated that no other viable use of the heritage asset can be found in the medium term through appropriate marketing (which, in this case, we would interpret to include local consultation)
- they have not demonstrated that conservation by some other means such as charitable or public ownership is not possible;
- they have failed to provide a convincing argument that “the harm or loss is outweighed by the benefit of bringing the site back into use”.

They have also failed to demonstrate that there is no demand for the telephone facility in the locality.

We therefore submit that the application is ill-considered, would cause substantial harm to Designated Heritage Assets, and must be refused. If it is considered that consent should be recommended, please take this as a formal request to our Ward Councillors that we would wish it be to be brought to Planning Committee for consideration in order that local people can make representations direct to committee.

While writing, we would invite the applicants to meet the Highgate Society and the other bodies cited above to discuss alternatives.

Yours sincerely

Michael Hammerson  
Planning Group  
The Highgate Society