

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>23/11/2017</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>10/10/2017</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Tony Young				2017/5186/A			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Public Payphone Outside 191 Tottenham Court Road London W1T 7LQ				See draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to south-eastern elevation of existing public payphone.							
<b>Recommendation(s):</b>		<b>Refuse Advertisement Consent</b>					
<b>Application Type:</b>		<b>Advertisement Consent</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Interested parties:</b>		No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>		No responses					
<b>CAAC/Local groups comments:</b>		No responses					

## Site Description

The payphone kiosk is located on the pavement outside 191 to 199 Tottenham Court Road which is a Grade II\* listed building on the eastern side of Tottenham Court Road, near the junction with Torrington Place.

The site sits within the Bloomsbury Conservation Area and is immediately adjacent to the Charlotte Street Conservation Area across the road to the west.

## Relevant History

### Application Site:

**2014/3673/A** - Display of internally illuminated panel to side of bus stop. Advertisement consent application was withdrawn dated 05/08/2014

**2009/1035/P** - Installation of telephone kiosk on the public highway. GPDO prior approval refused 19/05/2009. Objections raised on the grounds that the proposed telephone kiosk, by reason of its design, size and location would introduce an incongruous feature with the streetscape, add to visual clutter detracting from the pedestrian environment and the setting of the adjoining Charlotte Street conservation area and Grade II\* Listed Building.

### History in nearby locality:

**2017/1987/A (77 Tottenham Court Road)** - Display of an internally illuminated LED digital display board to Tottenham Street elevation at first floor level. Advertisement consent refused 30/06/2017 by reason of its large size and scale and inappropriate siting and method of illumination would appear incongruous and visually dominant, harming the character and appearance of the host building, streetscene and Charlotte Street and Bloomsbury Conservation Areas and the setting of adjacent Grade II and Grade II\* listed buildings. An Appeal was been received on 28/09/2017 with regard to the decision and is yet to be determined.

**2017/0281/A (Bus Shelter outside Whitefield Memorial Church)** - Display of 1 x internally illuminated digital screen facing inwards to existing bus shelter structure no. CAM00115AB. Advertisement consent granted 06/03/2017

**2015/1209/A (Adjacent to Whitefield Memorial Church)** - Display of a digital illuminated signage measuring 6.6m x 3.4m x 0.4m at 1.9m from ground level. Advertisement consent refused and warning of prosecution action to be taken 24/04/2015. Refused by reason of its size, siting and method of illumination would result in an overly dominant addition which would be detrimental to the appearance and character of the streetscape and the conservation area; and by reason of its size, siting and illumination close to a road and junction, would be likely to distract drivers' attention on the approach to traffic lights to the detriment of highway and pedestrian safety.

**2010/5338/A (80-81 Tottenham Court Road)** - Relocation of internally illuminated free-standing advertising column to the pavement in front of 80 & 81 Tottenham Court Road. Advertisement consent granted 01/12/2010

### Registered applications in nearby locality yet to be determined:

**2017/5185/A (105 Tottenham Court Road)** - Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to south-eastern elevation of existing public payphone.

### Relevant enforcement cases:

**EN09/0388 (Outside 191 Tottenham Court Road)** – Erection of telephone box with advert. Case closed. Not considered expedient to pursue dated 15/02/2017

**EN10/0724 (Outside 191 Tottenham Court Road)** - Illegal installation of phone boxes. Case closed. Not considered expedient to pursue dated 27/09/2010

## **Relevant policies**

### **National Planning Policy Framework 2012**

#### **The London Plan March 2016**

#### **Camden Local Plan 2017**

A1 - Managing the impact of development

D1 - Design

D2 - Heritage

D4 - Advertisements

T1 - Prioritising walking, cycling and public transport

#### **Camden Planning Guidance**

CPG1 (Design) - Chapter 8: Advertisements, signs and hoardings (2015)

#### **Town & Country Planning (Control of Advertisements) (England) Regulations 2007**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013**

#### **Bloomsbury Conservation Area Appraisal and Management Strategy (adopted April 2011)**

#### **Charlotte Street Conservation Area Appraisal and Management Plan (adopted July 2008)**

#### **Fitzrovia Area Action Plan (adopted March 2014)**

## **Assessment**

### **1. Proposal**

1.1 Advertisement consent is sought for the replacement of a non-illuminated panel positioned on the south-eastern elevation of an existing public payphone kiosk with a 6 sheet internally (back lit) LED illuminated advertisement panel.

1.2 The proposed display panel (1100mm wide x 1810mm high x 57mm deep) would have an aluminium frame with a toughened safety glass front, illuminated by 10 LED lights arranged in 2 horizontal banks. The illumination would be static and the luminance level would be 300cd/m. The size of the advertisement area itself would be the same except for the depth of the frame which would project out by 57mm. The height from the ground to the base of the advertisement would be approximately 150mm as existing.

1.3 It is noted that the depth of the proposed advertisement panel is incorrectly stated as being 0.57m on the submitted application form. For the purposes of this application, the dimension has been assessed as being 57mm as described in the drawings/technical specification submission.

### **2. Assessment**

2.1 Advertisements displayed on highways structures have deemed consent under Schedule 3 Class 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, provided that they do not exceed 2.16sqm in area and are not illuminated. The proposed

advertisement panel requires consent by virtue of its' proposed illumination. The Regulations permit the Council to only consider amenity and public safety matters in determining advertisement consent applications.

2.2 Camden's Planning Guidance CPG1 (Design) states that consideration should be given in Conservation Areas and, on or near, Listed Buildings to the sensitivity and historic nature of these areas or buildings, and that adverts should not obscure or damage any special architectural features of the building. Further, illumination should be sympathetic to the design of the building in which it is located.

2.3 Therefore, the principal considerations material to the determination of this application are:

a. Visual amenity:

- The design and impact of the proposal on the special architectural and historic interest of the adjacent Grade II\* Listed Building and the character and appearance of the Bloomsbury Conservation Area, as well as, the nearby Charlotte Street Conservation Area;

b. Public safety:

- The impact of the proposal on highway safety and neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard).

### **Design and visual amenity**

2.4 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. More specifically with regard to advertisements, Local Plan Policy D4 (Advertisements) supports Camden Planning Guidance (see paragraph 2.2 above) when affirming that the type and appearance of illuminated advertisements should be sympathetic to the design of the building and "*must not obscure or damage any special architectural features of the building.*"

2.5 Further, Local Plan Policy D2 (Heritage) states that the Council will only permit works that would not "*cause harm to the special architectural and historic interest of the building, and resist development that would cause harm to significance of a listed building through an effect on its setting.*"

2.6 While it is accepted that all advertisements are intended to attract attention, the introduction of an illuminated advertisement panel in this particular location is considered to be inappropriate. The existing structure upon which the proposed illuminated advertisement would be displayed is sited immediately adjacent to nos. 191-199 Tottenham Court Road which is a Grade II\* Listed Building, located within the Bloomsbury Conservation Area (and across the road from the Charlotte Street Conservation Area). Given the close proximity of the proposed advertisement to the listed building, the introduction of illumination is considered to cause harm to significance of the building through the adverse effect of light-spill, projection and glare on the buildings' special architectural features and setting especially at night.

2.7 It is noted that the stretch of public highway on the eastern side of Tottenham Court Road where the proposed advertisement would be displayed is mainly absent of any illuminated street furniture. Given this, along with the large surface area that would be illuminated on the proposed outward facing sign, it is considered that the proposals would likely result in an unduly dominant

and visually obtrusive addition immediately adjacent to the Grade II\* Listed Building, as well as, within the wider Bloomsbury Conservation Area and nearby Charlotte Street Conservation Area.

- 2.8 The Bloomsbury Conservation Area Appraisal and Management Strategy (adopted in April 2011) states that inappropriate signage can have a detrimental impact on the character and appearance on the area, as well as, the special architectural or historic interest of any listed buildings. The Charlotte Street Conservation Area Appraisal and Management Plan (adopted in 2008) also recognises that “*inappropriate, excessive and illuminated signage*” can have a detrimental impact on the character and appearance of the area. In this regard, the proposals would also fail to preserve and enhance the character and appearance of both conservation areas by virtue of having an illuminated sign in this location on Tottenham Court Road.
- 2.9 Overall, it is considered that the proposed illuminated advertisement by reason of its’ location and illumination would be harmful to the special architectural interest of the adjacent Grade II\* listed building, and would fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area and the nearby Charlotte Street Conservation Area contrary to policies D1, D2 and D4, and with Camden Planning Guidance.

### **Neighbouring amenity**

- 2.10 Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden’s residents by ensuring the impact of development is fully considered and by only granting permission or consent for development or alterations that would not harm the amenity of communities, occupiers and neighbouring residents.
- 2.11 Whilst the proposed outward facing signage would introduce new illumination to this location causing some light spill, it is recognised that the signage would be located on a busy thoroughfare, mainly occupied by commercial and office uses, and a significant distance away from the nearest neighbouring occupiers. It is therefore considered that the proposal would not cause disturbance to residents or occupiers, nor be unduly obtrusive within the streetscene in this regard. Therefore on balance, the proposed advertisement panel is not considered to be harmful to the amenity of neighbouring occupiers, and as such, the proposals accord with policy A1 and Camden Planning Guidance.

### **Public Safety**

- 2.12 Local Plan Policy T1 (Prioritising walking, cycling and public transport) establishes that development should prioritise the needs of pedestrians and cyclists to ensure that sustainable transport will be the primary means of travel, promoting high quality safe road crossings, as well as, safe and accessible environments for cyclists.
- 2.13 The proposed advertisement will be displayed in close proximity to a junction with separate approaching vehicle and cycle traffic routes, and a pedestrian crossing with traffic lights. As such, the introduction of illuminated signage is considered to be hazardous to road traffic users (both car drivers and cyclists) who would likely become distracted on the approach to the pedestrian crossing and junction especially at night. The proposal is therefore considered to be harmful to pedestrians, cyclists and vehicular traffic, and raises public safety concerns.
- 2.14 It is noted also that as part of a programme for transport infrastructure improvements (known as the ‘West End Project’), the boundaries between the public highway and the road for Tottenham Court Road will be reconfigured. As a result, the site where the existing payphone kiosk is currently located will no longer form part of the public highway and will become part of the main road. These works are planned to commence in 2018.

2.15 Objections were received from the Metropolitan Police Crime Prevention Design Officer on the grounds that the proposed signage might conceal criminal activity and inhibit surveillance. The height (or gap) from the ground to the base of the proposed advertisement would be the same, and the proposed sign would replace an existing non-illuminated advertisement panel already displayed in the same position, so there would be no change in this regard.

2.16 It is accepted that the introduction of illumination can impair some means of surveillance under certain circumstances. However, in the absence of specific objections to this particular location, it would be difficult to argue against the proposed illumination of this panel given that many kiosks and indeed bus-shelters or other street furniture can operate safely in this way. While concerns raised in relation to anti-social behaviour and criminal activity are always an important consideration in assessing an advertisement application, it is considered on balance that the proposal does not significantly compromise the safety of the public in this regard.

2.17 Overall, the proposal therefore raises public safety concerns by virtue of the hazard to pedestrians, cyclists and vehicular traffic contrary to National Advertisement Regulations, Local Plan policies D4 and T1, and Camden Planning Guidance.

### **3. Recommendation**

3.1 The proposed illuminated advertisement panel by reason of its' location and illumination would be unduly dominant and visually obtrusive in the street scene, and harmful to the special architectural and historic interest of the adjacent Grade II\* listed building through the adverse effect on its' setting, and would fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area and nearby Charlotte Street Conservation Area contrary to policies D1, D2 and D4 of the Camden Local Plan 2017.

3.2 The proposed illuminated advertisement panel by reason of its' location and illumination would be a harmful distraction to drivers and other road users on the approach to the junction with a pedestrian crossing and be detrimental to highway and public safety contrary to policies D4 and T1 of the Camden Local Plan 2017.