

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>23/11/2017</b>	
		N/A		<b>Consultation Expiry Date:</b>		10/10/2017	
<b>Officer</b>				<b>Application Number(s)</b>			
Tony Young				2017/5183/A			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Public Payphone Outside 297 Euston Road London NW1 3AQ				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 north-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 297 Euston Road which is a building on the southern side of Euston Road, near Warren Street Underground Station and the junction with Tottenham Court Road.

The site lies within the Central London and Fitzrovia Areas, and sits immediately adjacent to a Transport for London Road Network (Red Route). The site does not fall within a conservation area and is not adjacent to any listed buildings.

## Relevant History

### Application Site:

**2011/5699/P** - Installation of 1 x electronic communications apparatus (public payphone). Prior Approval was refused dated 23/12/2011 by reason of (1) its inappropriate siting and design which would appear incongruous within the streetscene and add to visual clutter, detracting from the pedestrian environment; and (2) its inappropriate siting and design which would encourage criminal activity and antisocial behaviour compromising the safety of pedestrians and those using and servicing the telephone kiosk.

Notwithstanding the above refusal, it is noted that a payphone kiosk structure has been installed and exists in situ outside no. 297 Euston Road. This would appear to amount to a breach of planning control. The onus or burden of proof lies with the applicant to demonstrate that the structure has been sited for the requisite period of time such that its' retention would be lawful.

### History in nearby locality:

- a. **2017/2494/P (pavement outside 286 Euston Road)** - Installation of telephone kiosk on the pavement. Prior Approval was refused dated 21/06/2017
- b. **2017/3504/P (pavement outside University College London Hospital, 235 Euston Road)** - Installation of 1 x telephone kiosk on the pavement. Prior Approval was refused dated 25/09/2017
- c. **2017/3505/P (pavement outside 250 Euston Road)** - Installation of 1 x telephone kiosk on the pavement. Prior Approval was refused dated 07/08/2017
- d. **2017/3543/P (pavement outside 350 Euston Road)** - Installation of 1 x telephone kiosk on the pavement. Prior Approval was refused dated 07/08/2017
- e. **2017/3544/P (pavement outside Fitzroy House, 355 Euston Road)** - Installation of 1 x telephone kiosk on the pavement. Prior Approval was refused dated 07/08/2017

All applications above (a-e) were refused by reason of (1) their location, size and detailed design, which would add visual clutter and would detract from the character and appearance of the streetscene; (2) their location, size and detailed design, adding unnecessary street clutter, which would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, harm highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport; (3) their inappropriate siting, size and design, which would create opportunities for crime and antisocial behaviour to the detriment of community safety and security; and (4) their design would not be accessible to wheelchair users and fail to promote fair access and achieve sufficient standard of design.

**2014/4606/P (outside 235 Euston Road)** - Installation of payphone on public footway. Prior Approval was refused dated 22/01/2015 by virtue of its siting which would reduce the amount of useable unobstructed footway within an area of high peak pedestrian flows and would hinder pedestrian movement and result in a detrimental impact to the quality of the public realm, amenity and safety of pedestrians.

**2014/4607/P (outside 250 Euston Road)** - Installation of a public payphone on pavement. Prior Approval was refused dated 22/01/2015 by virtue of its siting which would reduce the amount of useable unobstructed footway within an area of high peak pedestrian flows and would hinder

pedestrian movement and result in a detrimental impact to the quality of the public realm, amenity and safety of pedestrians.

**2010/3271/P (outside Euston Tower, 286 Euston Road)** - Installation of a public payphone adjacent to Euston Tower, Hampstead Road. Prior Approval was refused dated 06/08/2010 by reason of its design, size and location would introduce an incongruous feature within the streetscape, add to visual clutter detracting from the pedestrian environment and the character and appearance of the conservation area; and by virtue of its inappropriate design and location would compromise the safety of those using and servicing the telephone kiosk and encourage criminal activity. An Appeal was dismissed on 24/03/2011 with regard to the decision

**PS9804719 (outside 331-333 Euston Road)** - Installation of one telephone kiosk. Agreed by default on 27/08/1998

#### **Relevant enforcement cases:**

\* **EN14/0348 (outside 297 Euston Road)** – Advertisement displayed on telephone kiosks without consent. Case closed dated 26/03/2014 as advert considered to benefit from deemed consent.

\* **EN14/0538 (outside 297 Euston Road)** – Advertisement structure on top of telephone box. Case closed dated 14/07/2014 as breach had ceased.

\* Note, both of the above enforcement cases relate to a different telephone kiosk (more accurately described as positioned outside and between nos. 293-295 Euston Road) than the payphone kiosk being considered under this current application (which is outside no. 297 Euston Road).

#### **Relevant policies**

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

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

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

A1 - Managing the impact of development

C5 - Safety and security

D1 - Design

D4 - Advertisements

T1 - Prioritising walking, cycling and public transport

##### **Camden Planning Guidance**

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

CPG7 (Transport) – Chapter 8: Streets and public spaces (2011)

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

##### **Fitzrovia Area Action Plan - Part 3: Vision and objectives (adopted March 2014)**

#### **Assessment**

##### **1. Proposal**

1.1 Advertisement consent is sought for the replacement of a non-illuminated panel positioned on the north-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, would not be displayed within a conservation 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 advertisement 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 character and appearance of the Fitzrovia Area and surrounding streetscene;

b. Public safety:

- The impact of the proposal on highway, pedestrian and cyclist's 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 While it is accepted that all advertisements are intended to attract attention, and that the proposed sign would have static illumination with a low luminance level (300cd/m), the introduction of an illuminated advertisement panel in this particular location is considered to be inappropriate.

- 2.6 The proposed illuminated advertisement would be displayed on an existing payphone kiosk which is sited along a stretch of public highway on the southern side of Euston Road. The kiosk is located next to 2 other payphone kiosks aligned with a group of trees, and near cycle racks and road signs. It is noted that this existing street furniture is absent of any illumination. The ground floor parade of commercial and retail units that runs along this part of Euston Road has 2 units with illuminated shopfront signage but is otherwise characterised by a lack of illuminated signage. 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 disruptive addition to the surrounding streetscene, out of keeping with the general characteristics of the locality.

- 2.7 One of the objectives of the Fitzrovia Area Action Plan adopted in March 2014 (Part 3: Vision and objectives) is to create high quality physical environments through, "*enhancing the interaction*

*between streets and the ground floors of buildings by removing visual clutter and encouraging high quality design.”* While it is recognised that this application does not relate to the siting of the payphone kiosk itself, and notwithstanding that prior approval for the installation was refused in 2011 (as set out in the ‘Relevant History’ section above), it is considered that the addition of an illuminated sign in this locality would amount to the introduction of visual clutter in so far as the proposed sign would be unacceptably incongruous and a dominant feature in an environment mainly absent of illuminated signage.

- 2.8 Overall, it is considered that the proposed illuminated advertisement by reason of its’ location and illumination would be harmful to the character and appearance of the Fitzrovia Area and surrounding streetscene contrary to policies D1 and D4, the Fitzrovia Area Action Plan, and with Camden Planning Guidance.
- 2.9 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. Paragraph 6.6 states that *“artificial lighting should only illuminate the intended area and not affect or impact on the amenity of neighbours.”* The Fitzrovia Area Action Plan (Part 3: Vision and objectives) has the stated aim of, *“supporting residential communities by protecting amenity and improving quality of life.”*
- 2.10 The nearest residential accommodation is located at 1<sup>st</sup> to 4<sup>th</sup> floor levels at no. 295 Euston Road, immediately east of the payphone kiosk where the proposed advertisement would be displayed. While illumination from the proposed sign would be noticeable given the proximity of these residential flats to the sign and its’ light projecting in an easterly direction, it is not considered that it would cause harm to the residential amenity of the occupiers through any adverse effect of light-spill, light projection and glare, and as such, the proposals accord with policy A1, the Fitzrovia Area Action Plan, and Camden Planning Guidance.

## **Public Safety**

- 2.11 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.
- 2.12 The proposed advertisement panel will be displayed on a kiosk sited immediately adjacent to a Transport for London ‘Red Route’ on Euston Road and approximately 50m from a major junction with vehicle, buses and cycle traffic approaching from the east from various roads (A400, Tottenham Court Road and Hampstead Road). While it is accepted that the illumination of the proposed advertisement would remain static, the sign would face on-coming traffic on a busy part of a dual carriageway on Euston Road. As such, the introduction of an illuminated sign would likely distract road users leaving this junction and entering Euston Road, particularly at night.
- 2.13 Local Plan Policy C5 (Safety and security) seeks to promote safer streets and public areas, as well as, promoting the development of pedestrian friendly spaces.
- 2.14 Objections were received from the Metropolitan Police Crime Prevention Design Officer on the grounds that the introduction of illumination might impair some means of surveillance of anti-social behaviour and criminal activity within the payphone kiosk. Although located on a busy road in full view of passing traffic and overlooked by nearby buildings, there is historic evidence of existing anti-social behaviour within phone boxes in this locality. Indeed at the time of the case officer’s site visit, all 3 payphone kiosks were being used for sex advertising and had the smell of urine, the kiosk being considered under this current application also noted as having graffiti on most sides and no ringtone when the receiver was raised. Evidence of anti-social behaviour at nearby telephone boxes was cited by the inspector as contributing to his reasons for dismissing appeals against refusal of

telephone kiosks at 18 Woburn Place (ref APP/X5210/A/09/2112782) and 25 Proctor Street (ref APP/X5210/A/09/2112754).

- 2.15 The Metropolitan Police Crime Prevention Design Officer also objected to the proposed signage in so far as it might screen or conceal criminal activity and inhibit surveillance. The proposed sign would replace an existing non-illuminated advertisement already displayed in the same position, and the height (or gap) from the ground to the base of the proposed advertisement would be the same. However, as noted above, the existing kiosk and non-illuminated advertisement are unauthorised, and it is considered that the introduction of illumination in this location would further impair detection and surveillance, so increasing the likelihood of criminal activity and anti-social behaviour.
- 2.16 Overall, the proposal raises a number of public safety concerns by virtue of the hazard to pedestrians, cyclists and vehicular traffic, as well as, the likelihood of promoting criminal activity and anti-social behaviour contrary to National Advertisement Regulations, Local Plan policies C5, D4 and T1, and Camden Planning Guidance.

### **Other matters**

- 2.17 As referred to in the 'Relevant History' section above, it is noted that a payphone kiosk structure was refused prior approval for installation in 2011 (2011/5699/P) and thereby the existence of a structure would appear to be a breach of planning control. The Council are therefore minded to resist the display of any signage on the existing payphone kiosk given that concerns still remain as to the suitability of installing a payphone kiosk in this location.

### **3. Recommendation**

- 3.1 The proposed illuminated advertisement panel by reason of its' location and illumination, would be unduly dominant and visually disruptive, adding visual clutter harmful to the prevailing character of the streetscene and wider Fitzrovia area, contrary to policies D1 (Design) and D4 (Advertisements) 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, and so detrimental to highway and public safety, contrary to policies D4 (Advertisements) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.
- 3.3 The proposed illuminated advertisement panel by reason of its' location and illumination, would fail to reduce opportunities for crime and anti-social behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the payphone kiosk contrary to policy C5 (Safety and security) of the Camden Local Plan 2017.