

Delegated Report			Expiry Date:	23/11/2017
Officer			Application Number(s)	
Matthias Gentet			2017/5184/A	
Application Address			Application Type:	
Public Payphone Adjacent to 144 Shaftesbury Avenue London WC2H 8HJ			Advertisement Consent	
1st Signature	2nd Signature (If refusal)	Conservation	Recommendation(s):	
			Refuse Advertisement Consent	
Proposal(s)				
Display of a 6 sheet internally (back lit) LED illuminated advertisement panel to north-eastern elevation of existing public payphone.				

Consultations

Summary of consultation responses:

An objection was received from a **resident**, summarised as follow:

- Threatens the public safety;
- Phone box used by drug dealers and takers;
- Proposal does not provide any amenity balancing out public danger
- Only profit making through advertising.

Officer's Response:

See paragraphs 1.2 to 1.4, 1.6, 2.1 to 2.3, 3.1 to 3.7, 4.1 to 4.7 in the below report.

An objection was received from the **Covent Garden Community Association**, summarised as follow:

- LED advertisement panel would add to visual clutter and detract from the character and appearance of the street scene and the conservation area;
- The digital panel would not be read in isolation, but rather would be integrated into the character and appearance of the conservation area in general, as well as neighbouring buildings, including listed buildings;
- Because of its appearance, size and siting within the street scene, the telephone kiosk would harm and fail to maintain or improve (preserve or enhance) the character and appearance of the conservation area.
- The use of internal illumination is inappropriate and unsympathetic in a conservation area.

Officer's Response:

See paragraphs 1.2 to 1.4, 1.6, 2.1 to 2.3, 3.1 to 3.7, 4.1 to 4.7 in the below report.

Site Description

The telephone kiosk is located outside of No144 Shaftesbury Avenue (shopfront of merit and positive contributor in the Seven Dials Appraisal), on the triangular corner to the south-west of Shaftesbury Avenue and Earlham Street. The site is surrounded by mostly 4-storey+ C19th red bricks and red stones buildings with Dutch gables, ornate decorative mouldings, with commercial units at ground floor level and residential at upper floors.

The site is the Seven Dials Conservation Area with the Grade II listed cinema to the north-east.

Relevant History

Site Address:

2003/0069/A – (refused on 17/06/2003) - Display of two internally illuminated projecting signs at fascia level one to the Earlham Street elevation and one to the Shaftesbury Avenue elevation.

2003/1300/A – (granted on 07/08/2003) - The display of two externally illuminated projecting signs.

The erection of the existing public payphone has no planning history. Permission was never sought

Adjacent Sites History:

No24

2015/6356/A – (granted on 29/12/2015) - Display of an externally illuminated projecting sign to Shaftesbury Avenue elevation.

2014/6411/A – (granted on 18/12/2014) - Display of 3 externally illuminated fascia signs and 7 replacement awnings to Cambridge Circus, Charing Cross Road and Shaftesbury Avenue elevations in association with alterations to shopfront.

No117

2015/3898/A – (granted on 14/10/2015) - Display of 2x externally illuminated fascia signs; 1x externally illuminated projecting sign and 2x replacement awnings. (Retrospective)

No1 Tower Street

2016/4335/A – (**refused** on 26/01/2017) - Display of 3 x Internally illuminated fascia and 2 x internally illuminated projecting signs.

Island at the junction with Shaftesbury Avenue and New Oxford Street

8880069 – (**refused** on 07/12/1988) - Display of 1. 4 non-illuminated poster panels each measuring 1345mm x 896mm on KX 100 payphone housings 2. 2 non-illuminated poster panels each measuring 1600mm x 1090mm on a freestanding KX 200 dial payphone housing.

Site Enforcement History:

EN12/1049 - Phone box installed in footway without planning permission – Case Closed on 19/11/2013.

EN16/1068 - Telephone box & signage.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

London Borough of 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 (2015)

CPG1 (Design) – Chapter 8

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

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

Seven Dials Conservation Area Appraisal and Management Strategy (adopted 1998)

Assessment

1. Proposal and Background

- 1.1 Advertisement Consent is sought for the replacement of an existing non-illuminated single sided advertising poster panel with an internally illuminated single sided advertising poster panel on the north-east elevation of an existing public payphone.
- 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 The existing telephone kiosk has been in its current location without the required consents, which was never sought. It is therefore in situ unauthorised. However, if the phone box has been in place for more than four years, it is thus immune from enforcement action. Nevertheless, the status of the host public payphone is not to be taken into consideration and the development is to be assessed independently from the kiosk's planning status.
- 1.4 It must be noted that there was not advertisement poster in place on the elevation of the host kiosk at the time the site visit. There was no indication that any previous advertisement posters were the subject of some form of illumination despite the presence of a ceiling light located under the roof of the public payphone – the light was not on at the time.
- 1.5 It must also be noted that the submission contains errors:
- a) The location of the existing and the proposed elevation of the advertisement panel case is showing to be on the south-west elevation of the host kiosk when it is in fact on the north-east elevation. It is understood to be a mistake and not to indicate the relocation of the advertising panel case. The proposal is therefore assessed in the knowledge that the signage is and are to be on the north-east side of the public payphone; and
 - b) The depth (thickness) of the proposed advertising panel case is stated to measure 0.57m on the application form but describe as being 57mm in the 'Panel Specification' details provided as part of the bundle of documents. It is understood that the correct thickness of the proposed advertising panel case to be 57mm only, and the proposal is assessed based on this correct measurement detail.
- 1.6 Two enforcement cases have been opened for the unauthorised installation of the telephone kiosk reference: EN12/1049 and EN16/1068. The former has been closed but the later is ongoing. *[See Relevant History above]*

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 The principle considerations material to the determination of this application are:

- Visual Amenity (Impact of the development on the surrounding area, the conservation area and heritage assets)
- Public Safety (Impact of the development on the highway safety of pedestrians and road users (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard).)

3. Amenity

3.1 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."

3.2 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.

3.3 While it is accepted that all advertisements are intended to attract attention, the proposal is seeking to introduce a static illumination within an advertisement panel in a sensitive location and is considered to be inappropriate.

3.4 The building, forming the corner of Shaftesbury Avenue and Earlham Street, ~~— No144—~~ outside which the kiosk is sitting, is listed in the Seven Dials Conservation Area Appraisal as being a positive contributor and also a shopfront of merit. The payphone is located in a prominent location on the corner of Shaftesbury Avenue and Earlham Street, the proposed illuminated advert would be very dominant in both long and short range views. When considering the proposal in the context of the surrounding conservation area, it is important to note that any existing illuminated signage is to shop frontages and street lighting. On this particular corner the lighting of signage is minimal with a view to preserve the character and appearance of the conservation area. The proposed illuminated signage would likely result in an unduly dominant and visual disruptive addition to the surrounding streetscene which would be out of keeping with the general characteristics of the locality.

3.5 It is therefore considered that the proposed internally illuminated advertising panel, by virtue of its design, location and method of illumination would be detrimental to the character and appearance of the streetscape and surrounding buildings and Seven Dials Conservation Area contrary to policies D1, D2 and D4 of the Local Plan 2017.

3.6 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.”

3.7 The nearest residential accommodation is located on the opposite side of the site on Shaftesbury Avenue – north-west - and the same on Earlham Street – south-east. However, these are not in direct line with the elevation 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 north-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.

4. Public Safety

4.1 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.

4.2 The type of illumination hereby proposed would clearly enhance the visibility of the advertising panel. The introduction of illumination raises concerns about potential impacts on the safety of road users, particularly vulnerable road users such as cyclists and pedestrians. However, such concerns can be addressed by limiting the levels of illumination, thereby minimising glare, if permission was to be granted by means of conditioning the level of luminance.

4.3 As such, in the event that the method of illumination can be controlled by condition, it is therefore not to an issue warranting a refusal based on pedestrians and highway safety, and the method of illumination is therefore considered acceptable.

4.4 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.

4.5 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.

4.6 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.

4.7 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.

5. Recommendation

- 5.1 The proposed internally illuminated advertisement panel by reasons of its design, location and method of illumination would be harmful to the special architectural interest of the adjacent buildings identified as being positive contributors, and would be detrimental to the character and appearance of the streetscape and Seven Dials Conservation Area contrary to policies A1, D1, D2 and D4.
- 5.2 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.