

Delegated Report			Expiry Date:	23/11/2017
Officer			Application Number(s)	
Matthias Gentet			2017/5180/A	
Application Address			Application Type:	
Public Payphone O/S 67 Theobald's Road LONDON WC1X 8TA			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 south-western elevation of existing public payphone.				

Consultations

<p>Summary of consultation responses:</p>	<p>Consultation Letters were sent out on 19/09/2017 and expired on 10/10/2017.</p> <p>An objection from the Metropolitan Police was received, summarised as follow:</p> <ol style="list-style-type: none">1. Telephone kiosks are no longer used for their original purpose due to the fact that nearly every person is in possession of some kind of mobile device thus negating the need to use fixed land line telephone. As a result of this the phone boxes in The London Borough of Camden have now become 'crime generators' and a focal point for anti-social behaviour (ASB).2. My own previous experience of policing Camden highlights the above ASB, ranging from witnessing the taking of Class A drugs, urination, littering, the placing of 'Prostitute Cards' and sexual activities. All of which have occurred in telephone kiosks.3. The introduction of illuminated advertising to the telephone kiosk will only increase the above ASB, any advertising conceals the activities of what is occurring inside the actual space and prevents police or passers by seeing what or who is in there. This generates for the latter a fear of crime.4. The extra lighting produced by the advertising will also create an added distraction to an already cluttered street space. Any CCTV monitoring the area will be effected by this and therefore any crime prevention they produce is lost. <p><i>Officer's Response:</i> <i>See paragraphs ... in the below report.</i></p>
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Site Description

The telephone kiosk is located on the southern pavement of Theobald's Road, outside No67 – a 6-storey with basement modern building housing commercial units at ground floor level and offices and residential flats at upper levels, and approximately 20m from the corner with Old North Street to the west. The site is surrounded by a mixture of office buildings (opposite), terraced properties with commercial at ground floor and residential above (to the east).

The kiosk is located approximately 200m away from the Bloomsbury Conservation Area to the east.

Relevant History

Site Address History:

2009/1058/P – (refused on 19/05/2009) - Installation of telephone kiosk on the public highway.

Adjacent Site History:

No15

ASX0004267 – (refused on 22/05/2000) - Display of internally lit lettering fascia and externally illuminated double projecting box sign.

No67

9380072 – (granted on 26/11/1993) - The display of two single-sided internally illuminated signs one measuring 2555mm x 802mm on the shopfront canopy next to the building entrance on Theobalds Road and one measuring 1600mm x 1500mm at the corner of Old North Street and Theobalds Road between first and second floor level both bearing the Mercury Communications black/blue logo.

8602349 – (granted on 16/06/1988) - The redevelopment of the site by the erection of a building comprising basement ground and six upper floors with rooftop plant for office use six 2-bedroom residential flats four retail shops one restaurant and leisure use and parking for nine cars.

Bus Shelters:

O/s No14-16

2015/5233/A – (**refused** on 22/01/2016) - Installation of double-sided structure to existing bus shelter no.0107/8760 for display of digital screen and non-illuminated static poster panel.

O/s No12-16

2016/2950/A – (**refused** on 16/01/2017 and **dismissed** on appeal ref: APP/X5210/Z/17/3169020 on 24/04/2017) - Installation of double-sided structure to existing bus shelter no. 0107/1034 to display of 2 x internally illuminated digital screens.

Site Enforcement History:

EN10/0044 - Phone box advertising to be discontinued/prosecuted – [**Case closed** on 11/03/2014: Immune from Enforcement Action]

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

CPG_Advertisement_ - (2018)

CPG1 (Design)

CPG (Transport) – Chapter 8: Street 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

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

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 – permission having been refused in 2009 [See *Relevant History above*]. It is therefore in situ unauthorised. However, if the phone box has been in situ for more than four years, it is 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 advertisement poster was in place on the elevation of the host kiosk at the time the site visit. There was no indication that the current and/or 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 an error with regards the depth (thickness) of the proposed advertising panel case stated to measure 0.57m on the application form but described as measuring 57mm in the 'Panel Specification' details provided within 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 An enforcement case was opened for the unauthorised installation of the telephone kiosk reference: EN10/0044 but was closed as immune from enforcement action. [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 CPG (Advertisement) 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. Visual 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 CPG (Advertisement) 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. CPG (Advertisement) states that *‘All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the surrounding area. Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the surrounding environment.’*

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 -When considered the advert within the surrounding context, it is important to note that the surrounding area bears limited forms of advertising in the immediate locale at the exception of non-illuminated fascia signs on No67 Theobald’s Road (the building adjacent to the kiosk). This western end of Theobald’s Road provides little retail outlets. As such, internally illuminated signage typically displayed on shops are not found in great numbers. The proposal would thus result in the introduction of an illuminated advertisement that would have the potential to set a precedent the Council is keen to avoid/resist. Ideally, non-illuminated signs would be preferred and encouraged.

3.5 It is worth taking into consideration the two Advertisement Consent applications for internally illuminated digital screens on bus shelters refused in 2016 and 2017 respectively where the method of illumination was considered to be detrimental to the streetscape, the conservation area and harmful to the adjacent listed buildings. [See *Relevant History above*]. Despite the fact that the phone booth is not sitting in a Conservation Area, it is however located no more than 50m away from Bloomsbury Conservation Area onto which the illuminated sign would be looking.

3.6 Furthermore, the BT phone box on the opposite side of the road (outside Warner House) displays non-illuminated advertisements only. And the internally illuminated fascia signs found at No55 (next door) do not have the relevant consent required and are therefore in situ unauthorised. Their presence cannot be used to support the proposal or justify its acceptability/suitability.

3.7 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 Bloomsbury Conservation Area contrary to policies D1, D2 and D4 of the Local Plan 2017.

3.8 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."

3.9 The nearest residential accommodation is located at No55 Theobald's Road, approximately 40-50m to the 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.

3.10

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 detrimental to the character and appearance of the non-commercial end of Theobald's Road, surrounding buildings and area, and harmful to the character and appearance of the adjacent Bloomsbury 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.