

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department

<b>PLANNING SUB-COMMITTEE B</b>		
Date:	25 <sup>th</sup> July 2017	NON-EXEMPT

Application number	P2017/1554/FUL & P2017/1602/ADV
Application type	Full Planning Permission & Advertisement Consent
Ward	St. Marys Ward
Listed building	79-85 Essex Road are Grade II Listed
Conservation area	Cross Street Conservation Area
Development Plan Context	Article 4.2 Area Angel & Upper Street Core Strategy Key Area Crossrail 2 – Rail Safeguarding Area Angel Town Centre Within 100m of SRN
Licensing Implications	None
Site Address	Pavement in front of 81-83 Essex Road, Islington, London, N1
Proposal	Full Planning Permission: Retrospective application for the installation of a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.  Advertisement Consent: Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

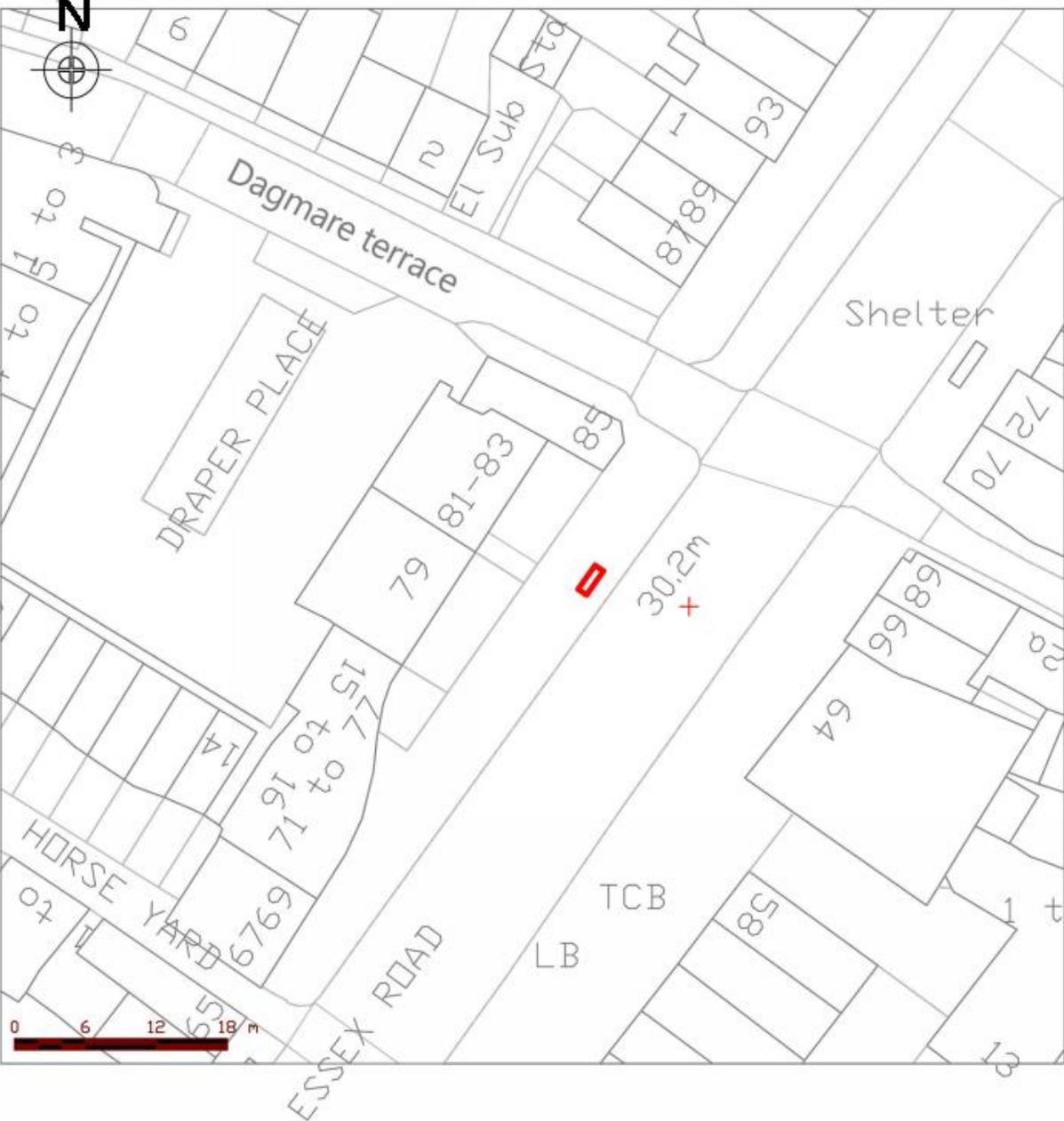
Case Officer	Emily Benedek
Applicant	Mr Milos Milisavljevic (Strawberry Energy)
Agent	None

## 1. RECOMMENDATION

The Committee is asked to resolve to **REFUSE** planning permission and advertisement consent:

1. Subject to the reasons set out in Appendix 1.

2. SITE LOCATION (outlined in black)



**3. PHOTOS OF SITE/STREET**



**Image 1:** Street view of the Smart Bench



**Image 2:** View of existing Smart Bench looking south along Essex Road towards Horse Yard



**Image 3:** View of existing Smart Bench from 81-83 Essex Road



**Image 4:** View of existing Smart Bench looking north along Essex Road towards Cross Street

#### **4. SUMMARY**

- 4.1 This application forms part of a wider scheme across London to install a network of Smart Benches, which are also covering the boroughs of Lewisham and Southwark. These smart benches provide a solar energy source for free smart device charging, WiFi, local environmental data and information about energy consumption. Five (5) applications for full planning permission and advertisement consent were submitted for various sites across Islington.

- 4.2 The Smart Benches contain four different surfaces, and one customer interface, which are able to display non-illuminated signs and therefore require advertisement consent. Planning permission is required for the structures themselves as they have been erected by a private company and not the Council. The application is brought to committee at the request of Cllrs Webbe and Williamson.
- 4.3 The main issues arising from this planning application are the design and appearance of the Smart Bench; its impact on the character of the conservation area; the amenity of neighbouring occupiers; and safety and security.
- 4.4 It is considered that the Smart Bench by reason of its size and siting within this sensitive location positioned close to the kerb fails to preserve and enhance the character and appearance of the Cross Street Conservation Area and would be harmful to the adjacent listed buildings.
- 4.5 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and public safety.
- 4.6 The advertisement displays by reason of their number, size and siting on the Smart Bench would be unduly prominent and would fail to preserve and enhance the character and appearance of the Angel Conservation Area.

## **5. SITE AND SURROUNDING**

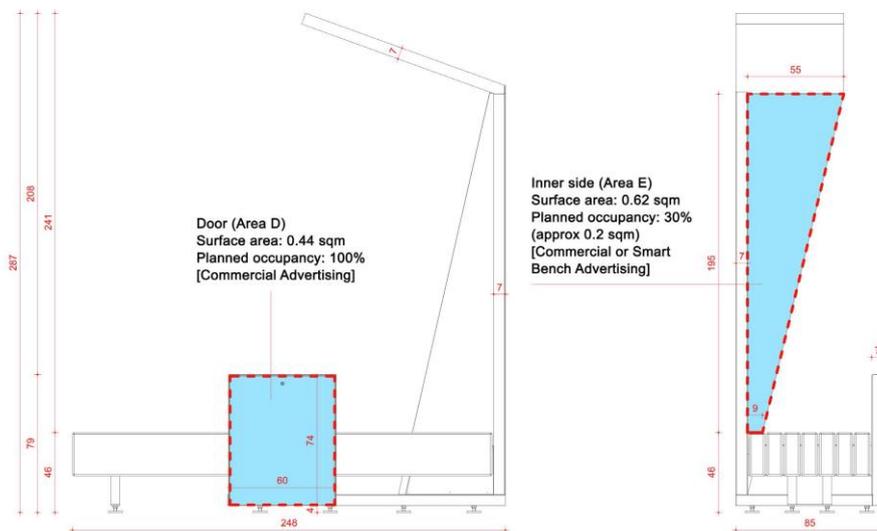
- 5.1 The application site relates to the pavement area outside 81-83 Essex Road, close to the junction with Dagmar Terrace. The pavement in this location is unusually wide with three small steps leading from the pavement to the highway. Single yellow lines are located on the highway outside the Smart Bench allowing vehicles to park in this location between 7pm and 7am. Essex Road is a busy thoroughfare with traffic passing in both directions.
- 5.2 The area is characterised predominantly by three to four storey buildings with commercial units located on the ground floor and a mix of residential and commercial units located at the upper floor levels. Several of the surrounding properties in the vicinity are Grade II listed including Nos 79-85 Essex Road and No 70 Essex Road. The site is also located in the Cross Street Conservation Area. This location remains largely uncluttered with limited amount of street furniture including a BT telephone box and high speed broadband equipment cabinet and street lighting.

## **6. PROPOSAL (in Detail)**

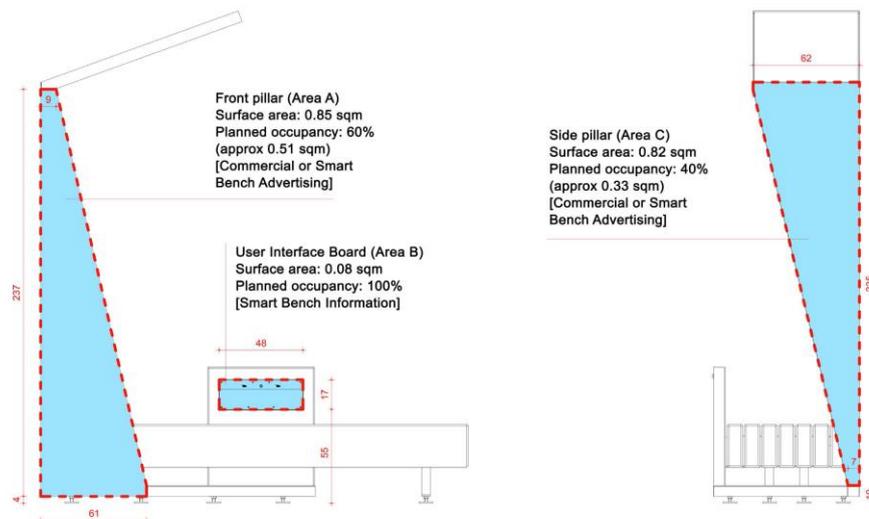
- 6.1 Retrospective planning permission is sought for the erection of a free-standing solar-powered Smart Bench featuring four branding surfaces and customer interface. Retrospective advertisement consent is sought for the erection of 3no.

non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface.

- 6.2 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. The proposed Smart Bench itself would measure 2.48 metres in width and 2.87 metres in height with an overall depth of 0.85 metres and the seating area would be located 0.46 metres off the pavement. The Smart Bench would also house Wi-Fi, local environmental data (temperature, humidity, barometer, CO2 meter and sound meter) and will also provide information about energy consumption.



Side and rear elevations of the smart bench



Front and side elevations of the smart bench

**Images 5 and 6:** Design of the Smart Bench showing the locations for potential adverts

- 6.3 Whilst the Smart Bench currently displays 3no. non-illuminated adverts, there is potential for up to 5no. non-illuminated adverts to be displayed on different surfaces across the Smart Bench, as illustrated in images above (although the applicant has confirmed in their supporting documents that no more than 4no. advertisements would be displayed at any one time). The surface area for potential adverts varies in the different locations on the Smart Bench however the size of the adverts will depend on the size of the images displayed by future advertisers.

## **7. RELEVANT HISTORY:**

### **PLANNING APPLICATIONS:**

- 7.1 Pavement outside 72 Essex Road, (25m from the site):  
P2016/3375/ADV - Double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse.. Approved (31/10/2016)
- 7.2 Outside 79, Essex Road (10m from the site):  
P120140 - Display of printed vinyl advert on telephone kiosk. Withdrawn (22/07/2013)

### **ENFORCEMENT:**

- 7.3 ENF/2017/45 – Bench and solar panel in a conservation area.

### **PRE-APPLICATION ADVICE:**

- 7.4 None.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of adjoining and nearby properties on Essex Road on 18 May 2017. A site notice was displayed outside the site and the application was advertised in the Islington Gazette on 25 May 2017. The public consultation on the application ended on 15 June 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report one letter of objection had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated in brackets):
- Benches are ugly, much larger and more prominent than traditional benches and the bench that was in situ before it had been removed (10.10-10.12)
  - Clutter the pavement and do not reflect what would benefit a Conservation Area (10.13-10.14)

- They are a platform for advertising (10.24-10.33)
- Will encourage mobile phone use in the area which is renowned for theft of phones by moped riders (10.17-10.20)

### **External Consultees**

8.3 **Crossrail 2:** No objection.

8.4 **Metropolitan Police:** Whilst the benches are a good idea in terms of providing a service to members of the public, some concerns are raised over the safety of those using them and the vulnerability of the benches to criminal damage. Islington Borough suffers from a huge number of motorbike and pedal cycle enabled thefts. The concern is that for benches positioned close to the road it is an opportunity for thieves travelling past to snatch phones and ipads being charged at the smart benches. To mitigate this problem moving the bench at least 1 – 2 meters from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.

Signage on the panel of the bench warning people to protect their belongings would also increase awareness and vigilance to these types of opportunist thieves. It is noted that the arm rests on the benches are 'optional'. It is suggested that they are used in all locations to reduce the risk of rough sleepers. Other than these issues the bench's appear to be a good design providing maximum sight lines for natural surveillance whilst still being able to incorporate the solar panel.

There is the obvious risk of criminal damage with such high public usage of this service. To negate this risk it is advised placing the benches in clear line of sight of monitored CCTV cameras in order to deter anyone from carrying out vandalism or theft of personal property.

There are concerns about this site with its proximity to the main road. This is only helped marginally by steps but this does not stop a moped with a pillion passenger jumping off, snatching the phone and jumping back on again if they know it is a place where a high value phone or tablet will be in use.

No objection with regards to the advertisements themselves.

8.5 **Transport for London:** No objection

### **Internal Consultees**

8.6 **Design and Conservation:** Objects to the proposal. As a stand-alone structure, without taking account of its impact on its surrounds, the design of the smart bench was found to be quite interesting and might work in large open spaces or landscaped plazas surrounded by large contemporary buildings. However, for the sites in Islington, these structures are wholly inappropriate. They are very large, they add visual clutter to the streetscape, they obstruct views along the street and shop frontages. The Conservation officer considers that they detract from the sensitive historic setting of Islington and the addition of the signage further exacerbates the visual harm they cause.

It is considered that, the proposed Smart Benches with advertisement are in contradiction to the requirements of policy DM 2.6.

This site is located within the Cross Street Conservation Area and the buildings opposite are Grade II Listed. The Smart Bench and advertisements from the setting of the listed buildings and the character and appearance of the conservation area and therefore raise strong objections to this application.

8.7 **Highways:** No objection.

8.8 **Planning Energy Advice:** No objection.

### **Interested Parties**

8.9 **Islington Society:** Objects to the application. The Islington Society is of the view that Islington and its residents have no need for any of the applications for street advertising and communications. The various erections themselves are a blight on the Borough landscape. The Islington Society also object to the increase in street clutter.

## **9. RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents.

### **National Policy and Guidance**

9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **Development Plan**

9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

9.3 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Character and Appearance
- Neighbouring Amenity
- Safety and Security
- Sustainability
- Amenity
- Highways Safety

### **Background**

10.2 These applications form part a wider scheme across three London boroughs, including Lewisham and Southwark, to install a series of Smart Benches at various sites across the borough.

10.3 The Smart Benches are primarily proposed to replace existing benches. They have been designed to increase the usability of limited public space by providing multiple services for pedestrians. The Smart Benches will be powered by solar panels located on the roof of the bench, thereby creating a positive attitude towards sustainable lifestyles as well as enabling people to think about the potential opportunities deriving from the use of green technology such as solar power.

10.4 The Smart Benches would provide a greater range of services to the public than the benches they are replacing. Two outdoor rubber charging cables and two USB ports are provided to allow users to charge their portable mobile devices. These are powered by the energy provided through the solar panels which is stored in an internal battery, allowing it to work day and night even when it has been raining or cloudy for several days. Mobile phone users can link into the unit's public Wi-Fi whilst environmental sensors (temperature, humidity, barometer, CO2 meter and sound meter) provide details about environmental conditions in the immediate locality.

10.5 The Smart Benches can contain up to five non-illuminated adverts (as shown in Images 5 and 6 of this report). The adverts will be applied by wrapping vinyl foil with an over-laminate and will be attached to the steel structure. The exact position of the adverts on each surface will vary dependent on the sponsor and it is intended that not all areas of advertising will be utilised at once. Advertisement consent has also been applied for as part of this application for the retention of 3 existing advertisements. A condition on any consent if granted could control the number and extent of the branding surfaces used at any one time.

### **Legislation**

10.6 Whilst the above summary explains the background to the scheme, it is important to understand why the Smart Bench requires planning permission. This is

outlined in Part 9 Class A and Part 12 Class A of Schedule 2 of the General Permitted Development Order (2015). Part 9 Class A of this Act refers to works carried out by the Highways authority 'on land within the boundaries of the road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act.' It is important to note in this instance that the Smart Benches have not been installed by the Highways Authority but by a private company, Strawberry Energy. As such, this application does not comply with Part 9 Class A of this legislation.

- 10.7 This view is further emphasised by Part 12 Class A (b) of Schedule 2 which notes the following:

'The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.'

Therefore, planning permission is required for the installation of the Smart Bench.

- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because advertisements would be displayed on more than one face of the kiosk, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. It is considered that the Smart Benches fall within the same legislation as telephone kiosks as they provide a shelter for the purpose of housing or supporting electronic communications apparatus (in this instance WiFi) at which electronic communications service is provided. Express consent for the advertisements is therefore required.

*Class 16 and Conditions —*

*(1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.*

*(2) Illumination is not permitted.*

*(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.*

*(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.*

*PART 2 – Interpretation:*

*“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.*

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety as set out below:

***Powers to be exercised in the interests of amenity and public safety***

**3.—***(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—*  
*(a) the provisions of the development plan, so far as they are material; and*  
*(b) any other relevant factors.*

*(2) Without prejudice to the generality of paragraph (1)(b)—*

*(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;*

*(b) factors relevant to public safety include—*

*(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);*

*(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;*

*(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.*

*(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.*

*(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.*

## PLANNING APPLICATION CONSIDERATIONS

### Design and Appearance

- 10.10 Development Management Policy DM2.1 requires 'all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.' A Smart Bench has been installed on the pavement outside Nos 81-83 Essex Road. It is important to note that this Smart Bench did not replace an existing piece of street furniture.
- 10.11 The new Smart Bench consists of two main parts. An angled, black steel construction which contains the solar panels on the roof area and a wooden seating area featuring two arm rests. In addition, a charging interface has been installed to the rear of the bench which enables users to charge their portable devices. In the absence of the consideration of site context, there would be no objections raised against the design of the Smart Bench.
- 10.12 The design of the Smart Bench is more modern than typical street furniture found in various sites around the borough however, as the Design and Conservation officer notes, they might be appropriate in certain contexts such as large open spaces or landscaped plazas surrounded by large contemporary buildings. The application site is located in a highly sensitive location as Nos 79-83 Essex Road as well as No 70 Essex Road are Grade II statutorily listed. Furthermore, the site is located within the Cross Street Conservation Area.
- 10.13 Essex Road is characterised by a large number of differing building heights and styles with a mixture of uses. However, the area is also largely devoid of street clutter, especially on the west side of the road, which falls within the Cross Street Conservation Area. As such, any new structures appear highly prominent, especially within the setting of the Grade II listed building to the rear of the application site. Prior to the installation of the Smart Bench, the area in front of the Grade II listed buildings remained uncluttered allowing open views through the site, especially from the north and south views along Essex Road. The erection of this Smart Bench, which measures 2.87 metres in height, obstructs the view of these listed buildings from Essex Road and by virtue of its modern design, appears at odds with this heritage asset, failing to preserve its character and appearance and harming its setting.
- 10.14 The Council's Design and Conservation officer raised strong concerns about the location of this bench in relation to the existing heritage assets, namely its setting within the Conservation Area and the setting of the listed buildings. The officer considered that the structure adds visual clutter, draws the eye and detracts from the character and appearance of the conservation area. As noted above, the area lacks visual clutter and therefore the presence of the Smart Bench in the open area appears unduly prominent and out of character within the setting of these heritage assets. It is therefore considered that the Smart Bench fails to preserve and enhance the character and appearance of the Cross Street Conservation Area. Furthermore, the Smart Bench is harmful to the setting of the Grade II listed buildings at Nos 79-85 Essex Road. The proposal is therefore

contrary to policies DM2.1 and DM2.3 of the Development Management Policies 2013.

### **Neighbouring Amenity**

- 10.15 Development Management policy DM2.1A part x states that developments are required to provide a good level of amenity to neighbouring occupiers, including consideration of overlooking, privacy, direct sunlight and daylight, over dominance, sense of enclosure and outlook.
- 10.16 The existing Smart Bench measures a maximum of 2.87 metres in height and is located 4.7 metres from the railings fronting 79-83 Essex Road, which is the nearest property to the site. The Smart Bench aligns with the existing BT telephone box and as it is set at a lower level than the windows of any neighbouring residential property is not considered to have a detrimental impact on neighbouring amenity. Given the open nature of the structure, the lack of illumination and the distance from the nearest neighbouring residential properties, the proposal is not considered to have an adverse impact on the amenity of any neighbouring occupiers, in compliance with Development Management Policy DM2.1.

### **Safety and Security**

- 10.17 Core Strategy Policy CS8 seeks to ensure that all new development enhances Islington's character. More specifically, Part B of this policy states that 'public realm improvements will enhance pedestrian and cycle routes, making it easier to travel sustainably through the borough. Open spaces will be maintained and enhanced to ensure they are inclusive, accessible spaces.' It is important to consider this policy in conjunction with Development Management Policy DM2.1 part A ii) which notes that for developments to be acceptable they are also required to be 'safe and inclusive.'
- 10.18 Safety and Security are important aspects of this application as it is important to ensure users of the Smart Bench are not faced with an increased risk of crime as a result of using them. The Metropolitan Police have assessed the application and advise that the main concern would be for benches positioned close to the road it provides an opportunity for thieves travelling past to snatch phones and iPads being charged at the Smart Benches. They therefore recommended that the bench is located at least 1 – 2 metres from the kerb line, near other street furniture or placing them in line of sight of a capable guardian such as security for local stores and tube stations would be advised.
- 10.19 There are strong concerns about the siting of this Smart Bench, with regards to safety and security of users of this bench, who are at increased risk of crime by virtue of its location. The Smart Bench is located immediately adjacent to the stepped kerb which leads down to Essex Road, a busy thoroughfare with high vehicular activity. It is possible for someone to sit on this Smart Bench with their back to the road unaware of the vehicular movements to the rear, especially as noted from the Metropolitan Police, from a moped with a pillion passenger. This is further exacerbated by the fact that the bench has not been located 1-2 metres back from the kerb as recommended by the Metropolitan Police. Separately, it is

noted that this Smart Bench includes two arm rests which reduces the risk of rough sleepers.

10.20 In view of the above, it is considered that the Smart Bench by virtue of its siting close to the highway/kerb puts its users at increased risk of being a victim of crime. As such, the proposal is not considered to comply with Core Strategy Policy CS8 nor Development Management Policy DM2.1.

### **Sustainability**

10.21 The overarching policy for Sustainable Design in Islington's Core Strategy, policy CS10 requires 'all development to be designed and managed to promote sustainability through their ongoing operation, for example through measures which raise awareness about environmental issues and support sustainable lifestyles.' This policy is supported by Development Management Policy DM7.1 which notes in Part A that 'Development Proposals are required to integrate best practice sustainable design standards during design, construction and operation of the development,' whilst part B of the same policy states that 'The Council will support the development of renewable energy technologies in principle, in principle, subject to meeting wider policy requirements, including on design (Policy DM2.1).' As such, the Council welcomes the inclusion of Green Technology in the scheme, namely the inclusion of a solar panel on the roof area, which ensures only renewable energy is used to charge the mobile devices whilst at the same time raises awareness about sustainable issues within the borough.

10.22 The Council's Planning Energy Advice team were consulted as part of this application and were supportive of the proposal as they are widening the use of renewable energy within the borough. No objections were raised from the Planning Energy Advice team with regards to its siting. It is also important to note that the solar panels have been oriented towards the south in order to maximise their efficiency.

10.23 Given the above, whilst the use of renewable energy sources is welcomed in this location and the proposal would comply with Core Strategy policy CS10 and Development Management Policy DM7.1, to ensure the photovoltaic panels are able to perform to their required levels given their siting underneath a street tree, had the scheme been supported, a condition would require evidence that the Bench was adequately solar panelled or its removal would be sought.

## **ADVERTISEMENT APPLICATION CONSIDERATIONS**

### **Amenity**

- 10.24 Amenity, as defined by the Advertisement Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.25 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.26 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's Character) states that the scale of development should reflect the character of the area.. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.27 Development Management Policy DM2.6 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.28 The Cross Street Conservation Area Design Guidelines (paragraph 13.39) states that 'Advertisements and signs can often detract from the visual amenity of the area. The Council will therefore seek to ensure that signs, display panels and advertisements are appropriately located and are of a suitable size and design.'
- 10.29 This advertisement application proposes the addition of up to five branding surfaces, located on all elevations of the Smart Bench which is located in the pavement at the outside 81-83 Essex Road. The proposed signs would be non-illuminated and it is proposed to limit the number of branded surfaces to a maximum of four at any one time. Furthermore, whilst the front pillar, side pillar and inner side pillar measure 2.4 metres in height, the maximum extent of advertising on these surface areas (if the application was supported) would be limited to 60%, 40% and 30% respectively, by condition.
- 10.30 The area immediately surrounding the site is of mixed character comprising both residential and commercial buildings. It is also a highly sensitive location as the site is located both within the setting of Grade II listed buildings and within the Cross Street Conservation Area.
- 10.31 With regards to an assessment of the size, siting and height of the adverts, the council's Design and Conservation officer considers that the application would be contrary to policy DM2.6 which states that advertisements are required to be of the highest possible standard and contribute to a safe and attractive environment. Furthermore, the same policy states that advertisements should not contribute to

clutter or loss of amenity. They should be sensitive to their siting, should not contribute to an unsightly proliferation or clutter of signage in the vicinity. It is considered that, the proposed Smart Benches with advertisement are in contradiction to the requirements of this policy. Furthermore, it is considered that the Smart Bench obstructs views of the existing heritage assets, namely the Grade II listed buildings immediately to the rear of the site.

- 10.32 The advertisements signs, by virtue of their siting on the Smart Bench, could be located at a height of up to 2.4 metres from ground level. Given that there are no other advertisements in this location, and the Council would not have control over the design of these signs, could appear unduly prominent and out of character, especially when viewed in conjunction with the existing heritage assets. There is a noticeable lack of advertisement signs in the immediate locality and this further emphasises the visual clutter created by the presence of up to 4 signs displayed at any one time on the Smart Bench. As a result, it is considered that the advert signs fail to preserve and enhance the character and appearance of the Newington Green Conservation Area and would be harmful to the setting of the Grade II listed buildings.
- 10.33 Overall the proposed advertisements, by reason of their inappropriate size and siting on the Smart Bench in this sensitive location, would appear unduly prominent and would have a detrimental impact on the amenity of the locality. The adverts would fail to preserve and enhance the character and appearance of the Cross Street Conservation Area and would be harmful to the setting of the listed buildings, contrary to policies CS8 and CS9 of the Core Strategy 2011, policies DM2.1, DM2.3 and DM2.6 of the Development Management Policies 2013 and the Cross Street Conservation Area Design Guidelines.

### **Public safety**

- 10.34 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.35 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.36 The proposed advertisements would be positioned on the footway less than 1 metre from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.37 The proposed advertisements would be non-illuminated and as such would not be unduly distracting to the drivers of passing vehicles. The signage would not cause a hazard to road users.

- 10.38 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.39 The Smart Bench is sited in the same position respective of the kerb as the adjoining telephone box and would as such cause no additional hazards for pavement users. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 3m, in compliance with TfL standards.
- 10.40 Both the Council's Highways Department and Transport for London raised no objections to the proposed advertisements, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The full planning application for the retention of the Smart Bench has been assessed in terms of its design and appearance and impact on the character of the area, impact on neighbouring amenity and safety and security. Having taken into account the size of the bench, its appearance in relation to the surrounding properties and the safety and security of users of this Smart Bench, the proposal is considered unacceptable with regards to its size, siting and impact on the character and appearance of the area. It is considered that the Smart Bench adds street clutter and fails to preserve and enhance the character and appearance of the Cross Street Conservation Area. Furthermore, the Smart Bench would also be detrimental to the setting of the Grade II Listed Buildings.
- 11.2 The advertisement signs are considered to be unacceptable with regards to amenity. The signs add street clutter and fail to conserve or enhance the character and appearance of the Cross Street Conservation Area as well as harming the setting of the listed buildings.
- 11.3 It is not considered that the proposal would have an adverse impact on pedestrian or highways safety by reason of its size or siting.

### **Conclusion**

- 11.4 It is recommended that planning permission and advertisement consent be refused as set out in Appendix 1 - RECOMMENDATIONS.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That planning permission shall be refused for the following reason:

#### Reason for Refusal for Planning Application P2017/1554/FUL:

<b>1</b>	
	<p>REASON: The Smart Bench by reason of its size and inappropriate design in the context of its historic setting presents a form of visual and street clutter, detrimental to the character and appearance of the Cross Street Conservation Area and harmful to the setting of the Grade II Listed Buildings at 79-85 Essex Road. As a result, the Smart Bench fails to preserve and enhance the existing heritage assets. The proposal is contrary to policies CS8 and CS9 of the Core Strategy (2011), policies DM2.1 and DM2.3 of the Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Conservation Area Design Guidance (2002).</p>

#### List of Informatives:

<b>1</b>	<p><b>Positive Statement</b></p> <p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
<b>2</b>	<p><b>Removal of Smart Bench</b></p> <p>The Smart Bench should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</p>

That advertisement consent shall be refused for the following reason:

**Reason for Refusal for Advertisement Consent Application P2017/1602/ADV:**

<b>1</b>	
	<p>REASON: The proposed advertisements, by reason of their number, size and siting on the Smart Bench would be unduly prominent and have a detrimental impact on amenity in this sensitive historic location within the Cross Street Conservation Area and within the setting of grade II listed buildings. The proposal would be contrary to policies CS8 and CS9 of the Islington Core Strategy (2011), policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies (2013), the Islington Urban Design Guide (2017) and the Cross Street Conservation Area Design Guidelines (2002).</p>

**List of Informatives:**

<b>1</b>	<p><b>Positive Statement</b></p> <p>To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-planning application advice service is also offered and encouraged.</p> <p>No pre-application discussions were entered into. On receipt, the scheme did not comply with policy or guidance. The LPA acted in a proactive manner offering suggested improvements to the scheme to secure compliance with policies and written guidance which were not adopted by the applicant during the application stage.</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p> <p>The LPA invites the applicant to enter into a collaborative pre-planning application discussion process to assist in the preparation of a new planning application.</p>
<b>2</b>	<p><b>Removal of Adverts</b></p> <p>The advertisements should be removed within 3 months of the date of this decision otherwise the Council will consider taking enforcement action.</p>

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. Legislation**

#### **The Town and Country Planning (Control of Advertisements) Regulations (2007)**

### **2. National Guidance**

The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

### **3. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local Character  
Policy 7.6 Architecture

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 5 – Angel & Upper Street  
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

#### **C) Development Management Policies June 2013**

Policy DM2.1 – Design  
Policy DM2.3 - Heritage  
Policy DM2.6 – Advertisements  
Policy DM2.7 – Telecommunications and Utilities  
Policy DM8.2 – Managing transport impacts

#### **4. Designations**

Cross Street Conservation Area  
Article 4.2 Area  
Angel & Upper Street Core Strategy Key Area  
Crossrail 2 – Rail Safeguarding Area  
Angel Town Centre  
Within 100m of SRN

#### **5. SPD/SPGS**

Urban Design Guide 2017  
Streetbook 2012  
Cross Street Conservation Area Design Guidelines 2002