

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department

<b>PLANNING SUB-COMMITTEE A</b>	<b>AGENDA ITEM NO: B8</b>
Date: 4 <sup>th</sup> September 2017	NON-EXEMPT

Application number	P2017/0949/ADV
Application type	Advertisement Consent
Ward	Finsbury Park Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Finsbury Park Town Centre Finsbury Park Key Area Finsbury Park Primary Retail Frontage
Licensing Implications	None
Site Address	Pavement outside 117 - 119 Fonthill Road, London, N4
Proposal	Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

Case Officer	Emily Benedek
Applicant	Mr Neil Scoresby (BT)
Agent	Mr Matt Swindles (Primesight Ltd)

## 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission

- subject to the conditions set out in Appendix 1 of the original report attached;

## 2. REASONS FOR DEFERRAL

- 2.1 This application was originally discussed at the Planning A Sub-Committee meeting on 3 July 2017. Members decided to defer the application as it was considered that a site visit to Camden to view the actual appearance of the link units in an urban setting would be more informative than the submitted drawings and plans.
- 2.2 Members were also advised at the meeting that a decision on a prior approval application was required within 56 days of the application being received or prior approval is otherwise secured by default. In order to achieve a decision within this timeframe, such a decision would be taken under authority to either the Service Director, Head of Development Management or the Deputy Head.
- 2.3 Members were concerned that prior approval should be determined before the advertisement is considered as the concerns related to procedural order being a crucial issue. Following this the applicants submitted 11 prior approval applications with the council for all of the 11 committee cases.

## 3. PRIOR APPROVAL LEGISLATION

- 3.1 As stated at the committee meeting on 3 July 2017, prior approval is also required for the erection of the telecommunication structures. The relevant section of legislation is the Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2016. Section A part 7 of this legislation states that planning permission would be required for:

*(7) Development consisting of the installation, alteration or replacement of any electronic*

*communications apparatus other than—*

*(a) a mast;*

*(b) an antenna;*

*(c) a public call box;*

*(d) any apparatus which does not project above the level of the surface of the ground;*

*is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.*

- 3.2 Therefore, whilst the installation of a public call box does not require express planning permission it is subject to conditions. The conditions for permitting such development subject to the conditions set out in paragraph A.3 of Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2016 which states as follows:

*(iii) the construction, installation, alteration or replacement of—*

*(aa) a public call box; or*

*(bb) radio equipment housing, where the volume of any single development*

*exceeds 2.5 cubic metres,*

*is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval).* Therefore, prior approval is required for these structures which the local authority is required to assess with regards to their siting and appearance.

#### **4. UPDATES FOLLOWING COMMITTEE 3<sup>RD</sup> JULY 2017**

- 4.1 A site visit to view the existing BT link units on Camden High Street, was carried out on 10 August 2017 with Members and officers were in attendance.
- 4.2 A prior approval application (reference no P2017/2668/PRA) for the installation of a free-standing telecommunications structure (Link Unit) on this site was submitted to the Council on 6 July 2017. The neighbour consultation period expired on 10 August 2017. Cllr Shaikh enquired about the application although no comments were received from members of the public. The prior approval application has been determined and was approved on 18 August 2017. Therefore the phone link unit structure has permission to be erected and the current advertisement application is only seeking advertisement consent for use on this approved BT phone link unit.
- 4.3 No further objections have been received in respect of this application since the previous report was published.
- 4.4 Members are therefore asked to consider this advertisement application in terms of amenity and public safety. The recommendation remains as per the previous report attached in Appendix 1.

#### **5. CONCLUSION**

- 5.1 The Committee is therefore asked to resolve to **GRANT** advertisement consent subject to the conditions set out in Appendix 1 of the original report.

## APPENDIX 1

### PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration  
Department

<b>PLANNING SUB-COMMITTEE A</b>		
Date:	3rd July 2017	NON-EXEMPT

Application number	P2017/0949/ADV
Application type	Advertisement Consent
Ward	Finsbury Park Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Finsbury Park Town Centre Finsbury Park Key Area Finsbury Park Primary Retail Frontage
Licensing Implications	None
Site Address	Pavement outside 117 - 119 Fonthill Road, London, N4
Proposal	Installation of a free standing internet/wifi/ telephone structure known as a 'link unit', with internally illuminated advertisement screens to two sides.

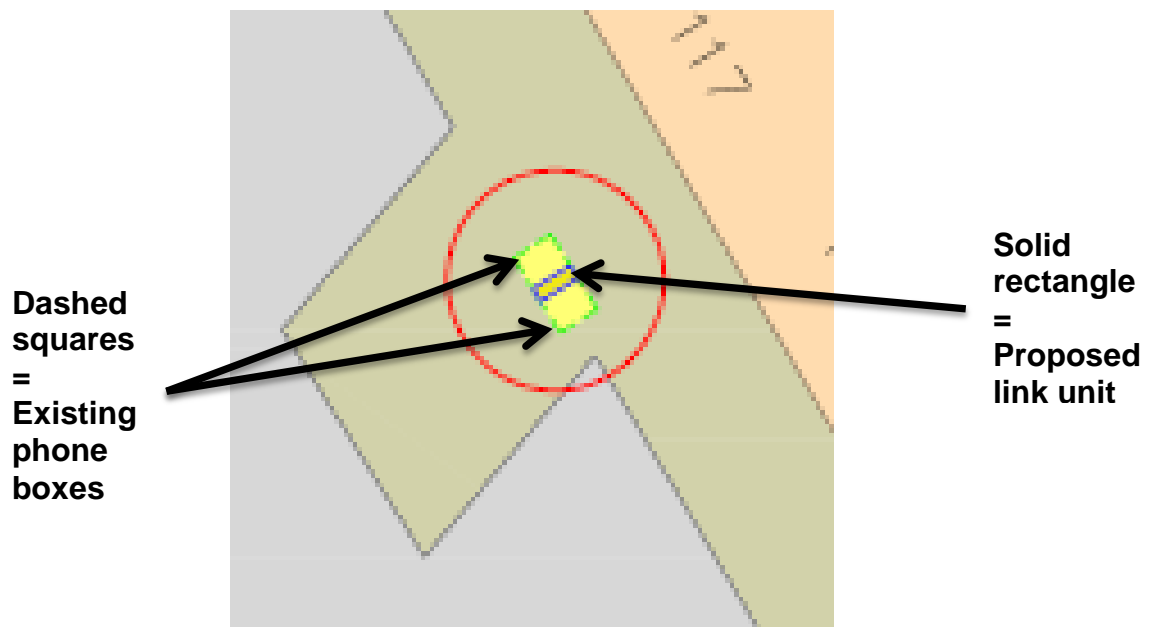
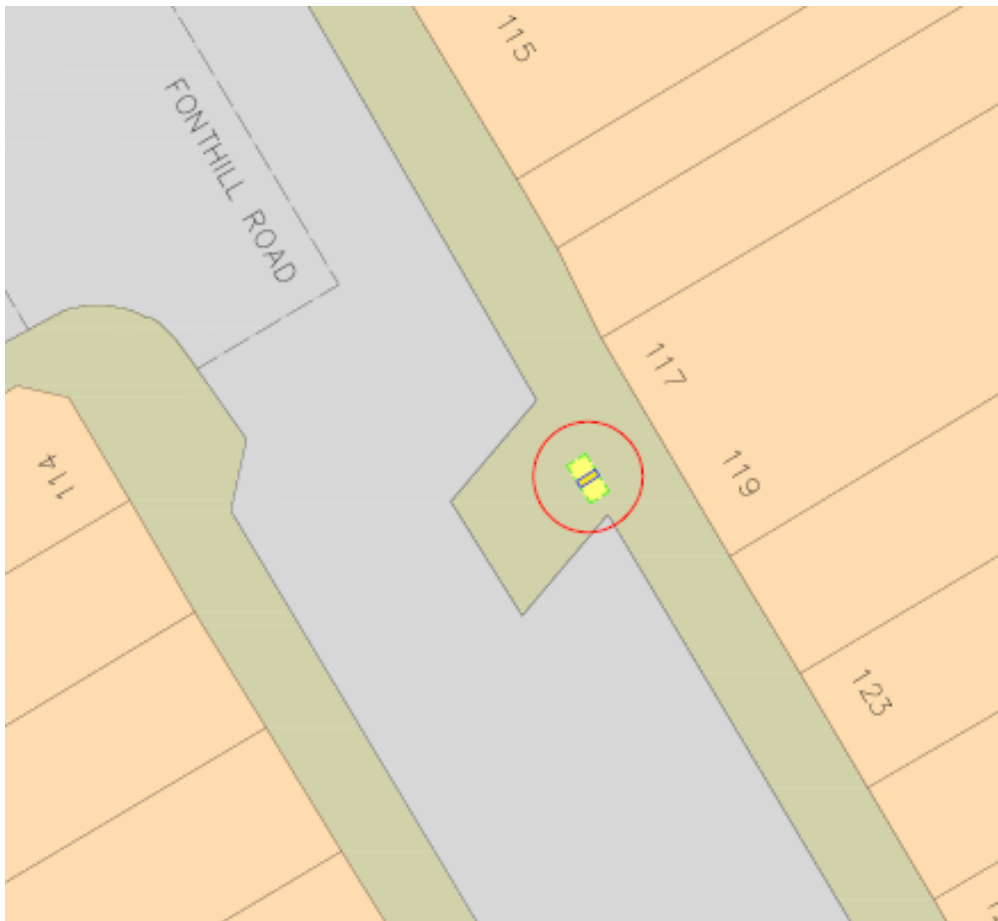
Case Officer	Sally Fraser
Applicant	Mr Neil Scoresby (BT)
Agent	Mr Matt Swindles (Primesight Ltd)

#### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** advertisement consent:

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

**2. SITE LOCATION (site circled in black)**



### 3. PHOTOS OF SITE/STREET



**Image 1:** View of the site looking south along Fonthill Road

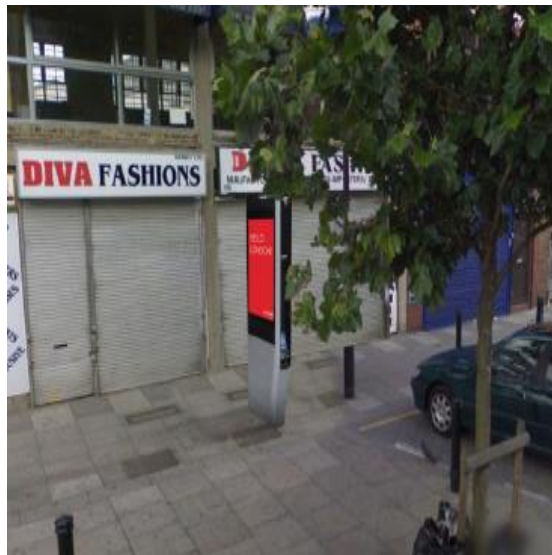


**Image 2:** View of the site looking north along Fonthill Road





**Image 3:** View of the site and adjacent street furniture



**Images 4 and 5:** Existing Photograph of Site and Proposed CGI Views

#### **4. SUMMARY**

- 4.1 This application forms part of a wider scheme across London to replace traditional British Telecom telephone boxes with new monolithic internet/wifi/ telephone structures known as 'link units'. A total of 63 advertisement consent applications for these link units have been submitted for various sites across Islington; 11 are recommended for approval and 52 were recommended for refusal but have subsequently been withdrawn by the applicant.
- 4.2 The new telephone link units would contain internally illuminated advertisements to two sides. Planning permission is not required for the link unit structures themselves; however advertisement consent is required for illuminated advertisement screens. These applications are brought to committee at Councillor Klute's request.

- 4.3 Each application proposes the removal of at least two existing BT phone boxes, which would be secured via a condition on the consent.
- 4.4 This application requests advertisement consent for the 2no. advertisement screens attached to a new link unit which would be located on the site of 2no. existing BT telephone boxes outside 117- 119 Fonthill Road. The removal of the existing phone boxes would be secured by a condition on the consent, as would the removal of an additional phone box on the corner of Fonthill Road and Moray Road, making a total of three phone boxes to be removed in total.
- 4.5 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and highways safety.
- 4.6 It is considered, given the commercial character of the area, the presence of adjacent internally illuminated shopfront fascia signs, the scale of surrounding built form and the location of the site which is not within a conservation area or within the setting of any heritage assets, that the proposed advertisements, by reason of their size, height, siting and method of illumination, would have an acceptable impact on the visual amenity of the locality.
- 4.7 The advertisements, by reason of their placement away from residential windows and restricted luminance at night would not result in any undue light pollution to the neighbouring occupiers. With regards to public safety, the advertisements, by reason of their distance from other illuminated pavement advertisements and subject to conditions restricting the frequency, type and luminance of the displays, would have an acceptable impact on the safety of users of the footway and carriageway.
- 4.8 For the above reasons the recommendation to the sub-committee is to resolve to grant advertisement consent subject to planning conditions.
- 4.4 For the above reasons the recommendation to committee is to resolve to grant advertisement consent subject to planning conditions.

## **5. SITE AND SURROUNDING**

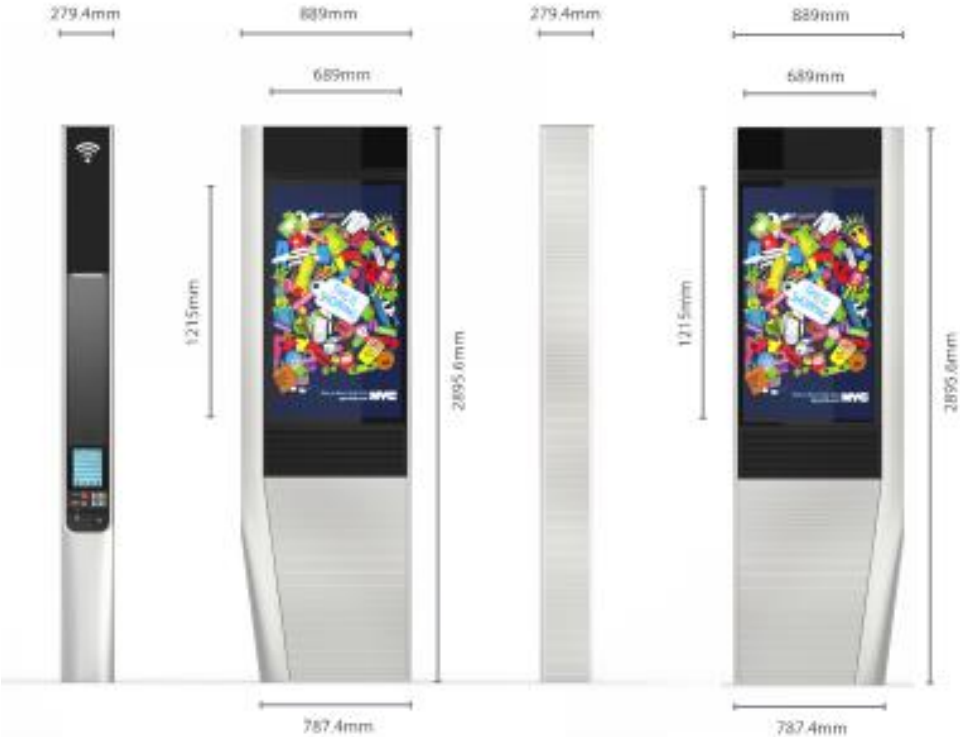
- 5.1 The application site is the pavement outside 117- 119 Fonthill Road. The site is located within the Finsbury Park Primary Shopping Area and the immediate area is largely commercial in nature. Building heights vary between 3 and 4 storeys, with retail shopfronts at ground floor and a mixture of residential dwellings and offices at upper floors. Cycle racks adjoin the site, which adds to the commercial character of the area.
- 5.2 The pavement in this location is particularly wide, with inset parking spaces directly to the north and south of the site. A street tree lies on the pavement between the existing phone boxes and the carriageway.
- 5.3 The site is not located within a conservation area and there are no listed buildings in the immediate vicinity.

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

- 6.1 Advertisement consent is sought for the installation of two internally illuminated advertisement screens, attached to either side of a freestanding internet/wifi/ telephone structure known as a 'link unit'.



6.2 The proposed link unit itself would be a 'monolithic' structure which would measure 0.787 metres in width at the ground level and 0.889 metres in width at the top of the unit. The structure would be sited in exactly the same position as the existing phone boxes on the site, as shown on the site plan above. It would have an overall depth of 0.28 metres and would measure 2.9 metres in height. The link unit structure would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civic services.



**Image 5:** Design of proposed link unit

6.3 The proposed internally illuminated advertisements would be located to either side of the structure at a height of 1.35 metres above ground level. The proposed adverts would measure 1.215 metres in height and 0.689 metres in width. It is proposed that the illumination levels will be a maximum of 2,500cd/m during the day and will be reduced to 300cd/m between dawn and dusk.

6.4 The removal of the existing 2no. phone boxes would be secured by a condition on the consent, as would the removal of an additional phone box on the corner of Fonthill Road and Moray Road.

**7. RELEVANT HISTORY:**

**PLANNING APPLICATIONS:**

**Within the immediate vicinity**

7.1 940145 (Outside 117- 119 Fonthill Road): Prior notification for the erection of 2 payphone kiosks. Approved 18/05/1994

**Within 100m of the site**

7.2 None

## **ENFORCEMENT:**

7.3 None.

## **PRE-APPLICATION ADVICE:**

7.4 None.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of adjoining and nearby properties on Holloway Road on 6 March 2017. A site notice was also displayed on 9 March 2017. The public consultation on the application ended on 30 March 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, no letter of objection has been received from the public with regard to the application.

### **External Consultees**

8.3 **Metropolitan Police:** With regards to the structure itself- The unit would be on an arterial route and would not block any sight lines or have a negative impact on natural surveillance. The overall design is a significant improvement on the existing Telephone Kiosk as it removes the element of a shelter – which leads to anti-social uses such as rough sleeping.

8.4 No objection with regards to the advertisements themselves.

### **Internal Consultees**

8.5 **Lighting and Streetworks (Highways):** As the location of existing phone boxes are being used, no objections are raised from an electrical supply point of view.

8.6 **Maintenance (Highways):** Concern that a number of companies of choosing similar locations for advertisements and that this would detract from the street scape.

8.7 **Design and Conservation:** The advertisements would, by reason of their excessive size and height above ground level height, their prominent siting adjacent to the highway and the proposed internally method of illumination, would be highly visible when viewed from the public realm, drawing the eye to them and detracting from the surrounding building/ street scape. The advertisements would, as such, be detrimental to the visual amenity of the area and would result in unacceptable visual clutter.

8.8 **Economic Development and Projects:** Raised concerns regarding the lack of information regarding the method of access/ frequency of servicing for the link units and the impact of servicing on the safe and efficient operation of the transport infrastructure.

8.9 **Communications and Change:** No comment.

8.10 **Environment, Policy, Pollution and Projects:** With regards to light nuisance, the EPPP team advise that light levels from the illuminated adverts should follow the guidance in the 'Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals' to avoid light spill.

- 8.11 Officers note: Daytime luminance levels would be restricted by condition to 2500 cdm<sup>2</sup>, in line with the Professional Lighting Guide. Night time luminance levels would be restricted by condition to 300cdm<sup>2</sup>, which is half as bright as the 600cdm<sup>2</sup> advised in the Professional Lighting Guide.

### **Interested Parties**

- 8.12 **The Islington Society:** Concern relating to the difficulties of managing the large volume of similar advertisement applications being submitted to the council. Objection to the size, prominent siting and additional street clutter that the advertisements would cause. The 'public services' provided by the link units are overstated
- 8.13 **Better Archway Forum:** The advertisements are inappropriately large and unnecessary to provide the public services offered by the link units. Potential for an increase in antisocial behaviour and phone snatching. The structures themselves are higher than the existing phone boxes they would replace and are excessive in size. Concern that the kiosks would not be properly maintained.

## **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 are considered relevant to this application and 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
- Amenity
- Highways Safety
- Other matters

## **Background**

- 10.2 This application forms part a wider scheme across London to replace traditional British Telecom telephone boxes with new monolithic telephone structures known as 'link units'. The link units would contain internally illuminated advertisements on two sides.
- 10.3 The existing phone boxes are in a dilapidated state of repair. They are prone to graffiti and their enclosed design provokes anti-social behaviour. The street facing elevations of the boxes display non-illuminated advertisements. However these are not protected by an outer protective casing and as such are prone to peeling off, which adds to their undesirable appearance. The phone boxes, being located on the pavement, are highly visible to users of the pavement and carriageway and, in their current condition; do not contribute in a positive manner towards the character and appearance of the street scene.
- 10.4 The proposed link units, unlike the phone boxes they would replace, would not be enclosed and for this reason the metropolitan police have stated that the overall design would be a significant improvement, as it would remove some of the most common issues surrounding the standard telephone boxes, including anti-social behaviour and rough sleeping.
- 10.5 The proposed link units would provide a far greater range of services to the public than the phone boxes they would replace. Users can make free telephone calls to UK landline and mobile numbers using the touchscreen and keypad. A loudspeaker is integrated into the device, or for more private calls headphones can be used. Mobile phone users can link into the unit's public Wi-Fi, which would have a radius spread of 45m. There would be 2 USB ports for mobile phone charging and a 'one touch' emergency services button. The touchscreen can be used to access maps, directions and local services. Additionally, the touch screen would be sited at 1220m above ground level and would therefore be fully wheelchair accessible.
- 10.6 The link units would contain digital display advertisements on two sides. These advertisements are the subject of this application and would produce the revenue required to fund the free services provided to the public. The applicant's agent has confirmed that 5% of the 'advertisement space' would be available, free of charge, for the local authority to advertise public services.

## **Legislation**

- 10.7 Whilst the above summary explains the background to the scheme, it is important to note that the link unit structure itself does not require planning permission. This is outlined in Part 16 of Schedule 2 Class A A.1 (7) of the General Permitted Development Order (2016), which states that permission is required for development consisting of the installation, alteration or replacement of any electronic communications apparatus, other than (c) a public call box (providing that the ground or base area of the structure would measure less than 1.5sqm). In this regard, the link unit structure forms permitted development.
- 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 they would be illuminated, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. Express consent for the advertisements is therefore required.

*Class 16 and Conditions —*

*(1) No advertisement may be displayed in an Area of Outstanding Natural 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, taking into account the provisions of the development plan so far as they are material and other relevant factors. An excerpt of the regulation is 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.*

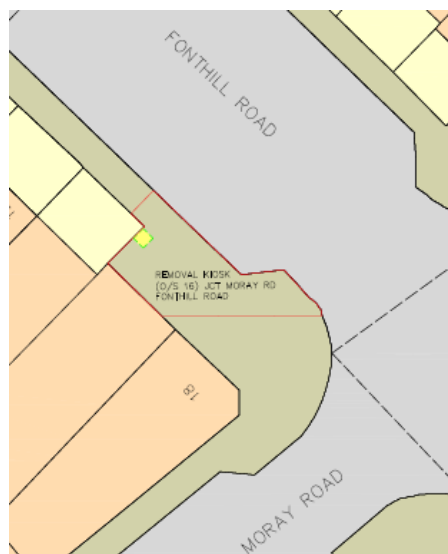


*(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.*

## **Amenity**

- 10.10 Amenity, as defined by the Advert Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.11 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.
- 10.12 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS2 (Finsbury Park) states that the historic character of the area will be protected and enhanced, with high quality design encouraged so that it respects the local context of Finsbury Park and its surroundings. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.13 Development Management policy DM6.2 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.
- 10.14 This application proposes the addition of two advertisement panels, located on the northern and southern elevations of a new link unit which would be sited outside 117-119 Fonthill Road. The proposed link unit would replace 2no. BT telephone boxes in the same location.
- 10.15 The proposed advertisements would differ from those on the existing phone box in that they would be internally illuminated with digital displays. The advertisements would be 689mm wide and 1215mm high and would be sited 1.35m above ground level.
- 10.16 The southern part of Fonthill Road, which includes the application site, falls within the Finsbury Park Primary Retail frontage and is commercial in nature. Whilst Fonthill Road doesn't have the scale of development characteristic of the more arterial roads in the Borough, it does have a unique fashion retail function and comprises of shopfronts with illuminated and non illuminated signage at ground floor and a mixture of offices and residential units at upper floors. Building heights range between 3 and 5 storeys. Finsbury park station is located some 100m to the south of the site, which is the busiest transport interchange in London outside Zone 1. None of the built form within the immediate vicinity of the site has any specific cultural or historic merit and there are no listed buildings adjoining the site.

- 10.17 Consequently, the new digital displays would be seen in the context of the 3 and 4 storey built form surrounding the site and the shopfronts, which exhibit a wide variety of illuminated and non-illuminated signage. The addition of internally illuminated advertisements in this location, given the scale of development and given the urban commercial character of the surroundings, is appropriate in principle.
- 10.18 With regards to an assessment of the size, siting and height of the adverts, the councils Design and Conservation officer considers that the adverts would be unduly visually prominent and out of keeping with the street scene. Whilst the concerns of the officer are noted and were duly considered in the assessing the application, it is not agreed that the advertisements would lead to undue visual clutter, nor would they be out of scale in this commercial location. The following paragraphs consider the application on these grounds.
- 10.19 The proposed advertisements would be lower in height than the ground floor fascia signs on the eastern and western sides of Fonthill Road. In addition, the pavement is relatively wide in this location and the advertisements would be set back from the carriageway by 5.5m, which would reduce their visual prominence when viewed from both the carriageway and footway. It is also relevant that the advertisements would be viewed in context of a large mature tree which sits on the footway in front of the existing phone box. The advertisements would appear more visually discrete when viewed in the context of this mature tree.
- 10.20 Given the height of surrounding buildings, the width of the pavement and the commercial nature of the area, it is considered that the advertisements would not appear excessive in height or size, nor would they appear out of scale with their surroundings. They would neither dominate the street scene nor appear unduly obtrusive, in light of existing street shopfront signage.
- 10.21 A condition is recommended that would require the removal of the existing 2no. phone boxes on the site prior to commencement of the works and also the removal of an additional phone box on the corner of Fonthill Road and Moray Road, prior to the commencement of the works. There would as such be a net loss in the amount of street furniture, and therefore clutter, in the immediate vicinity of the site and the wider Fonthill Road street scene. The site plan below shows the location of the additional phone boxes to be removed:



**Image 6:** Site plan showing the location of the additional phone box which would be removed prior to commencement of the works.

- 10.22 As such, the development would improve the overall appearance of the streetscene in that it would secure, if implemented, the removal of three unused, unsightly phone boxes which attract anti-social behaviour and replace them with a single structure with a smaller footprint than the traditional phone box.
- 10.23 It is important also to quantify the number of existing pavement adverts adjoining the site, in order to assess the visual impact of the addition of the 2 illuminated advertisements in this location and any consequential visual clutter.
- 10.24 In that regard, there are no other pavement advertisements, either illuminated or non-illuminated, within the immediate vicinity of the site. It is also the case that there have been no applications for advertisement consent for new pavement advertisements which have been approved but not implemented, within the vicinity of the site. It is therefore the case that the proposal would not introduce an illuminated advertisement in a location where there is already a conglomeration of pavement signage. The proposal would not result in any undue cumulative or undue visual pavement advertisement clutter.
- 10.25 To avoid undue light spill, the intensity of the illumination of the advertisements, as secured by condition, would be 300 cdm<sup>2</sup> between dusk and dawn and 2500cdm<sup>2</sup> during the day, in line with TfL guidance. The nearest residential occupiers reside on the upper floors of the buildings on the eastern side of Fonthill Road. The proposed advertisements would be a minimum of 5m from these flats and would not directly face the windows, being at right angles to them. It is as such considered that, with appropriate conditions restricting luminance, the proposal would not cause any undue light pollution to the adjacent occupiers.
- 10.26 Overall the proposed advertisement would be appropriate in size and design in this commercial context and would not result in undue light pollution to the adjacent occupiers, in compliance with the Advert Regulations and policies DM2.1 and DM2.6 of the Development Management Policies 2013.

### **Highways safety**

- 10.27 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.
- 10.28 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.
- 10.29 The proposed advertisements would be positioned on the footway so that, at their closest point, they would be no less than 5.5m from the vehicular carriageway, as per the existing telephone boxes. 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.
- 10.30 The proposed advertisements, as secured by condition, would have no flashing illumination and would have an LED backlit display brightness which would be adjusted to suit the day/night ambient levels. Luminance candescence would be secured by

condition and would be 300 Cd/m<sup>2</sup> at night. Night time levels of luminance are based on the luminance of other signs and surfaces such as floodlit buildings in the area. Furthermore, conditions are attached to restrict the display of moving images and visual effects and transitions, to ensure that the advertisements would not be unduly distracting to the drivers of passing vehicles.

- 10.31 There are no other pavement advertisements within the immediate vicinity and no advertisements that have been approved but not implemented within the immediate vicinity. The proposal would as such not be visible in the same 'view' from the carriageway as any other advertisements and would not lead to confusion or interference to road users.
- 10.32 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.
- 10.33 The proposed link unit would be sited in the same location as the existing telephone boxes and would as such cause no additional hazards for pavement users. The structure would in fact have a smaller footprint than the existing phone boxes it would replace and would as such reduce pavement clutter and enhance pedestrian flow. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 2.4m, in compliance with TfL standards.
- 10.34 Concern has been raised by the councils Lighting and Streetworks Team with regards to the 'proliferation' of similar advertisement applications which have been submitted to the local planning authority recently and the difficulty that causes in properly assessing the cumulative impacts on highways obstruction grounds. This is a relevant concern and the authority has indeed dealt recently with a number of similar applications throughout the Borough. As addressed in para 10.31 above, there are no advertisements which have been granted consent and not implemented within the immediate vicinity of the site. It should also be noted that, for completeness, section 7 of this report cites every application for pavement advertisements which has been submitted to the council within the past 20 years and notes whether the application has been approved or refused.
- 10.35 The councils Highways Department have raised no objections to the proposed advertisements on Highways Safety grounds, subject to conditions, 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.

#### **Other matters**

- 10.36 It should be noted that the councils Environmental Development and Projects team have raised concerns with regards to the maintenance arrangements in relation to the link unit structures and specifically how the maintenance arrangements may impact on the safe and proper operation of the transport infrastructure. Whilst these concerns are noted, issues surrounding the maintenance of the units themselves are outside of the control of the planning authority in relation to this advertisement application. It is a condition of the consent however, for the purposes of maintaining the adverts themselves, that the carriageway and footway must be kept clear.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 11.1 The advertisement application has been assessed in terms of amenity and highways safety. Having taken into account the setting of the internally illuminated advertisement screens, their relationship to surrounding properties, proposed luminance levels, distance from existing heritage assets and impact on highways safety, the proposal is considered acceptable in this location.
- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

### **Conclusion**

- 11.3 It is recommended that advertisement consent be granted subject to conditions as set out in Appendix 1- RECOMMENDATIONS.



## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of advertisement consent shall be subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<b>Ownership</b>
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>Reason: - As required by regulation 2(1) and Schedule 2 of the Town &amp; Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
<b>2</b>	<b>Maintenance (visual amenity)</b>
	<p>Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>Reason: - As required by regulation 2(1) and Schedule 2 of the Town &amp; Country Planning (Control of Advertisements) (England) Regulations 2007</p>
<b>3</b>	<b>Maintenance (safe condition)</b>
	<p>Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>Reason: - As required by regulation 2(1) and Schedule 2 of the Town &amp; Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
<b>4</b>	<b>Removal</b>
	<p>Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>Reason: - As required by regulation 2(1) and Schedule 2 of the Town &amp; Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
<b>5</b>	<b>Luminance</b>
	<p>The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 300 candelas per square metre from dawn until dusk.</p> <p>The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

<b>6</b>	<b>Display Time</b>
	<p>CONDITION: The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>7</b>	<b>Visual Effects</b>
	<p>CONDITION: No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. Any sequential change between advertisements will take place over a period no greater than one second.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>8</b>	<b>Special Effects</b>
	<p>CONDITION: Each advertisement shall be static. There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
<b>9</b>	<b>Installation and Maintenance</b>
	<p>CONDITION: The footway and carriageway on the TLRN and SRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.</p> <p>REASON: In the interests of highway safety</p>
<b>10</b>	<b>Removal of Existing Phone Boxes</b>
	<p>CONDITION: The Development hereby permitted shall not be commenced until the existing 3no. BT phone boxes shown on Plan No: 02072811027 dated 13<sup>th</sup> June 2017 is removed in their entirety.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

**List of Informatives:**

<b>1</b>	<b>Positive Statement</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged. Whilst this wasn't taken up by the applicant, and although the scheme did not comply with guidance on receipt, the LPA acted in a proactive manner offering suggested improvements to the scheme (during application processing) to secure compliance with policies and written guidance. These were incorporated into the scheme by the applicant.</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 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has 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 7.5 Public realm

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

Policy CS 2 – Finsbury Park  
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

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

Policy DM2.1 – Design  
Policy DM2.6 – Advertisements  
Policy DM8.2 – Managing transport impacts

### **4 Designations**

Finsbury Park Town Centre  
Finsbury Park Primary Shopping Area  
Finsbury Park Core Strategy Key Area

Within 100m of a SRN Road

**5 SPD/SPGS**

Urban Design Guide 2017  
Streetbook 2012